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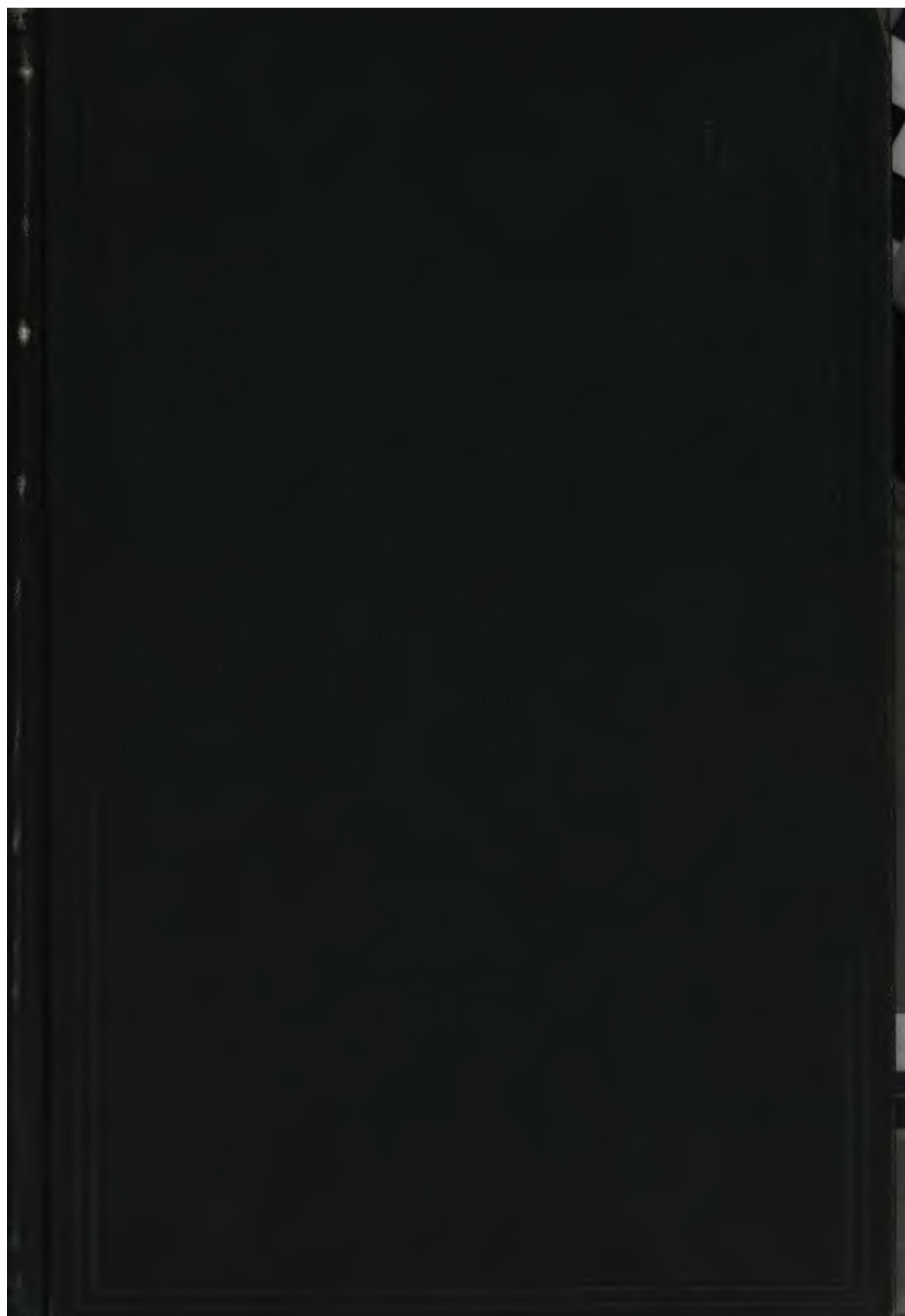
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ERRATA.

Page 96—Sketch of Orway S. Allen "Entered the Confederate army," should be "Enlisted in Virginia Volunteers."

Page 96—Sketch of John Strode Barbour, "*James M. Barbour*" should be "*Alfred M. Barbour*."

Page 99—Sketch of H. D. Flood, "elected to Congress from the *Sixth* District, 1900" should be "elected to Congress from the *Tenth* District in 1900."

Page 99—After sketch of James Waddell Gordon, insert following sketch of R. Lindsay Gordon, member Convention of 1901-2:

"R. LINDSAY GORDON, Louisa, Va. Democrat. Born January 21, 1855, Lawyer, Commonwealth's Attorney, Louisa County, since 1891."

Page 100—"HENRY INGRAM" should be "JOHN HENRY INGRAM."

Page 102—"DANIEL CULLEN O'FLAHERTY" should be "DANIEL CULLERS O'FLAHERTY."

(It is due the author to state that the errors in the sketch of the members of the Convention of 1901-2, as above corrected, were the result of his inability, on account of sickness, to personally revise the proof of this part of the book.)

Page 67—Foot note makes Judge John J. Jackson, United States District Judge of West Virginia, a member of the Convention of 1861. It develops that Judge John J. Jackson was not a member of the Convention of 1861, but instead, it was his father, General John J. Jackson who was a member of the Convention of 1861.

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A HISTORY OF VIRGINIA CONVENTIONS

By J. N. BRENAMAN,
Assistant Secretary Constitutional Convention
1901-1902.

With the Constitution adopted by Convention of
1867-'68, and Constitution adopted
by Convention of 1901-1902
Appended.

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PREFACE.

The original purpose in the preparation of this work was the publication of a substantially bound volume comprising the official imprint of the Constitution of Virginia ordained by the Convention of 1901-'2, together with the list of members and a brief *resume* of the issues that claimed their attention.

The text of the Constitution drafted by the convention that adjourned June 26, 1902, is identical with that published by order of the convention—its precise language and punctuation—and it is therefore official. Supplementary thereto is a summary of the movement for a new Constitution and of the efforts made by the people of Virginia through the General Assembly, from time to time, to amend the old or Underwood instrument. From the day that the alien Constitution was thrust upon the powerless people of the Commonwealth by the Federal authority, fastening negro suffrage upon the State, there had been dissatisfaction, which found expression in various legislative enactments designed to diminish the power of the blacks by limiting their participation in elections. The culmination of this effort to insure white supremacy was the calling of a convention to revise and amend the Constitution.

While many reforms were wrought in the organic law of the Commonwealth by the Convention of 1901-'2, the great issue of the convention was the suffrage and the effort to restrict it without contravention of the Federal Constitution and with the least practicable reduction of the number of white suffragans. Reform in the system of taxation, the regulation of corporate power, and the provision of a judiciary system that would reduce the cost and increase the efficiency were some of the other improvements upon the old Constitution. At last, after months of discussion devoted to reconciling opposing views, the convention adopted and ordained the Constitution.

During the convention the need of a concise history of the early Constitutions of Virginia was frequently demonstrated. As the work of preparing the history of the movement for the present Constitution progressed the idea of supplementing it with a condensed summary of the prior conventions of Virginia, from 1774 down to the present, was conceived. In the prosecution of this work it has been found no easy task to secure and compile the data necessary therefor. Of the revolutionary conventions there was little information to be had. Especially was this true of the Convention of 1774. Many writers make no mention of this body or its work, if, indeed, they were aware of it. Nowhere could the list of members of that pioneer convention be had. At last, almost by chance, there was found among the archives of the State, in a file of the old *Virginia Gazette*, printed at Williamsburg in that year, mention of the election of a delegate to this convention. Patient and laborious search through the files of this colonial newspaper was at last rewarded by the discovery of the entire list of the members of that body. The publication now made is the first complete roster of members of the Convention of 1774.

Of the many conventions since that time a concise statement of the issues, a

list of the members, and some selections from the journals of those bodies are all that the scope of this volume will permit. To the student of constitutional history this work will be found of value in its consecutive presentation of the several conventions, together with data concerning their personnel and work. An unbroken chain is presented. To make it complete a brief history of the Underwood Convention and the Constitution drafted by it, and only superseded by the twentieth century instrument, was added. The presentation of the two most recent Constitutions enables the reader more readily to compare them and to note the changes wrought by the Convention of 1901-'2.

Wherever possible access has been had to original sources of information, the journals of the conventions, the diaries, writings, and biographies of members of those bodies. In some cases facts have been drawn from other writings, but in every such case due acknowledgment has been made thereof. Every effort has been made to preserve with fidelity the original documents reproduced, even the old-style letters and the punctuation and spelling of the eighteenth century being retained.* No pains have been spared to attain absolute accuracy, and while this volume will no doubt be found to contain minor errors, it is the hope of the writer that fewer will be found than in any similar work.

With acknowledgments to all who have in any way contributed to the work of preparing this history of Virginia conventions, the writer submits it to the public with the hope that it will prove of value now and in the years to come.

*In numerous instances, however, the original documents were inaccessible and reprints had to be resorted to, which do not, as a rule, preserve the old style.

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Constitution framed by the Convention of 1901-1902 is paged independent
of this work, and follows colored leaf inserted.

VIRGINIA CONVENTIONS.

CONVENTION OF AUGUST 1, 1774.

The conventions held in Virginia prior to the convention of May 6, 1776, did not frame constitutions, but they directed the affairs of the colony, and had much to do with the future destiny of its people. They, like the convention of 1776, were revolutionary bodies.

The adoption of the resolution proposed by Patrick Henry against the stamp act*; the appointment of the Committee of Correspondence†, and the universal and bitter denunciation of the Boston port bill, show that the patience and endurance of the colonists under British oppression had reached a climax, and that the spirit of revolution was rapidly crystalizing.

On the 24th of May, 1774, the House of Burgesses adopted the following resolutions:‡

"This House, being deeply impressed with apprehension of the great dangers to be derived to British America, from the hostile Invasion of the city of Boston, in our Sister Colony of Massachusetts bay, whose commerce and harbour are, on the first Day of June next, to be stopped by an armed force,—deem it highly necessary that the said first day of June be set apart, by the Members of this House, as a day of Fasting, Humiliation, and Prayer, devoutly to implore the divine interposition, for averting the heavy Calamity which threatens destruction to our Civil Rights, and the Evils of civil war; to give us one heart and one mind firmly to oppose, by all just and proper means, every injury to American Rights; and that the Minds of his Majesty and his Parliament, may be inspired from above with Wisdom, Moderation, and Justice, to remove from the loyal People of America all cause of danger, from a continued pursuit of Measures, pregnant with their ruin.

• "Ordered, therefore, that the Members of this House do attend in their places, at the hour of Ten in the forenoon, on the said first day of June next, in order to proceed with the Speaker, and the Mace, to the Church in this City, for the purposes aforesaid; and that the Reverend Mr. Price be appointed to read Prayers, and the Reverend Mr. Gwatkin to preach a sermon, suitable to the occasion.

*House of Burgesses, May 30, 1765.

†Dabney Carr, who had married Martha Jefferson, Thomas Jefferson's sister, proposed the resolutions in the House of Burgesses, March 12, 1773, which resulted in the appointment of the following Committee of Correspondence: Peyton Randolph, Robert Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson.

‡Journal House of Burgesses, May 24, 1774.

"Ordered, that this order be forthwith printed and published."

The Governor, learning of the action of the Burgesses, ordered them to attend him immediately in the Council Chamber and dissolved them.

William Wirt Henry, in his *Life of Patrick Henry*,† says: "These resolves were printed in *Williamsburg Gazette* of May 26th, and on seeing them the Governor ordered the House to attend him immediately in the Council Chamber." The resolutions were printed in the *Gazette* of May 26, 1774, but Mr. Henry is mistaken when he leaves us to infer that Dunmore first saw them in the *Gazette*. The *Gazette* was not issued on the 26th, for the report of a meeting held on the 27th is published in the issue of May 26th.

The *Gazette* of May 26, 1774, under date of May 27th, says: Yesterday between three and four o'clock P. M. the Right Honourable the Earl of Dunmore sent a Message to the Honourable the House of Burgesses, by the Clerk of the Council, requiring their immediate attendance in the Council Chamber, when his Excellency spoke to them as follows:

"Mr. Speaker and Gentlemen of the House of Burgesses, I have in my Hand a Paper, published by Order of your House, conceived in such Terms as reflect highly upon his Majesty and the Parliament of Great Britain; which makes it necessary for me to dissolve you; and you are dissolved accordingly."

Again the *Gazette*, under same date, May 27, 1774, says:

"And this Day, at ten o'clock, the Honourable Members of the late House of Burgesses met, by Agreement, at the long Room in the Raleigh Tavern, in this city, called the Apollo, when the following Agreement was unanimously entered into by that patriotic Assembly in Support of the constitutional Liberties of America, against the late oppressive Act of the British Parliament respecting the Town of Boston, which, in the End must affect all the other Colonies."

The following is taken from the Agreement, which was signed by eighty-nine members of the dissolved Burgesses:

"We are farther of Opinion, that an Attack made on one of our Sister Colonies, to compel Submission to arbitrary Taxes, is an Attack made on all British America, and threatens Ruin to the Rights of all, unless the united Wisdom of the Whole be applied. And for this Purpose it is recommended to the Committee of Correspondence, that they communicate, on the Expediency of appointing Deputies from the several Colonies of British America, to meet in general Congress, at such Place annually as shall be thought most convenient; there to deliberate on those general Measures which the united Interests of America may from Time to Time require."

These were the trying circumstances under which the purpose of holding the first convention in Virginia was conceived.

That the Burgesses dissolved by Dunmore on the 26th of May conceived and convoked the convention of August 1, 1774, there is no question, but there is considerable doubt as to the time when the Burgesses first determined to order the convention.

*Journal House of Burgesses.

†Vol. I., p. 178.

The following appears in the *Virginia Gazette* of June 2, 1774:

"Laft Sunday Afternoon Letters were received by Exprefs from Bofton, Philadelphia, and Annapolis in Maryland, testifying the Refentment of thofe different Places, and the Northern Provinces in general, againft the late oppreffive Act of the Britifh Parliament which is intended fo materially to injure the Port of Bofton, and recommending an Union of Meafures to their Southern Brethren, to induce the Miniftry to abate in their rigorous and unconftitutional Defigns againft American Freedom, which they confider themfelves equally entitled to with their Fellow Subjects in Britain. Immediately upon receiving the Letters, the Honourable Peyton Randolph, Efq; Moderator of the Committee of the late Houfe of Representatives, thought it proper to convene all the Members that were then in town; who, on confidering thofe important Papers, came to a Refolution to call together the feveral other Members near this city, to whom Notice could be given. Twenty five of them accordingly met next Day at ten o'Clock, when it was unanimoufly agreed to refer the farther Confideration of this Matter to the firft Day of Auguft next; at which Time it is expected there will be a very general Attendance of the late Members of the Houfe of Burgefles, and that a Non-Importation Agreement will be then entered into, as well as Refolutions to fufpend, at fome future Day, exporting any of our Commodities to Britain, fhould the prefent odious Meafures, fo inimical to the juft Rights and Liberty of America, be purfued."

Charles Campbell, referring to the resolutions adopted by the House of Burgesses on the 24th of May, 1774, says: "On the next day Dunmore, summoning the burgesses to attend him in the Council Chamber, dissolved them," etc.* According to Mr. Campbell, Dunmore dissolved the Burgesses on the 25th of May, 1774; and Burke's History of Virginia says that the House of Burgesses was dissolved on May 27, 1774. Both are in error. The original manuscript Journal of the House of Burgesses shows that the Burgesses were dissolved on May 26, 1774.

In Paul Leicester Ford's Collection of Thomas Jefferson's Writings, Mr. Jefferson tells us:

"The Governor dissolved us as usual. We retired to the Apollo as before, agreed to an association, and instructed the commee of correfpdce to propose to the corresponding commees of the other colonies to appoint deputies to meet in Congress at fuch place, annually, as fhould be convenient to direct, from time to time, the meafures required by the general interest: and we declared that an attack on any one colony fhould be confidered as an attack on the whole. This was in May. We further recommended to the feveral counties to elect deputies to meet at Wmsbg the 1st of Aug enfuing, to confider the ftate of the colony, & particularly to appoint delegates to a general Congress, fhould that meafure be acceded to by the commees of correfpdce generally."

The inference to be drawn from Mr. Jefferson's letter is that the dissolved Burgesses met on the evening of May 26, 1774, and recommended the convention of Auguft 1, 1774, but Mr. Ford in a foot-note fays it was May 27th.

Charles Campbell tells us: "Further news being received from Boston, the

*Charles Campbell's History of Virginia, pp. 572-573.

Vol. I., p. 11.

members who remained in Williamsburg held a meeting on the twenty-ninth, at which Peyton Randolph presided, and they issued a circular, recommending a meeting of deputies in a convention to assemble there on the first of August."* The 29th of May came on Sunday, and the *Gazette*, in its account heretofore quoted, makes no mention of any meeting on the 29th, except that upon the receipt of important letters from Boston, Philadelphia, and Annapolis, Peyton Randolph thought it proper to convene all the members who were in town, who, on considering those important papers, came to a resolution to call together the several other members near the city, and, "Twenty five of them accordingly met next Day at ten o'clock, when it was unanimously agreed to refer the farther consideration of this matter to the first of August." It is evident that the only business transacted on Sunday, May 29th, was merely preliminary to the meeting of May 30, 1774.

Hugh Blair Grigsby, in his Discourse on the Virginia Convention of 1776, says: "I regret that I cannot put my fingers upon the list of the members of the Convention of August, 1774. A list of the twenty-five members of the House of Burgesses who met in this city† and convoked the Convention, may be found in Purviance's 'Baltimore during the Revolution,' page 135, and a sketch of the doings of the Convention itself may also be seen in the same work, page 169."‡ According to Mr. Grigsby, the convention of 1774 was convoked at a meeting of the Burgesses on the 30th of May, for that is the only meeting mentioned by the *Gazette*, consisting of twenty-five members.

William Wirt Henry says: "On May 31, the committee|| issued an address to the several counties of Virginia, urging the appointment of delegates to a convention to meet at Williamsburg on August 1, to consult upon the critical condition of public affairs, and to appoint representatives to Congress."§ Mr. Henry does not give any authority for this statement, and there is no record to be found in the manuscript minutes of the Committee of Correspondence, of that date, of such address having been issued, although the minutes note other important matters considered by the committee on that day.

Richard Henry Lee, in a letter to Samuel Adams, dated at Chantilly, Va., June 23, 1774, says: "So thinking, I did propose to the dissolved members, the plan of a general Congress; but they made a distinction, between their then state, and that when they were members of the House of Burgesses. Most of the members, and myself among the rest, had left Williamsburg, before your message from Boston had arrived. Twenty-five of them, however, were assembled to consider of that message, and they determined to invite a general meeting of the whole body, on the first of August, to consider the measure of stopping the exports and imports."¶

There is at present, in the Virginia State Library, an autograph letter in reply to the letters received from Boston and other points on Sunday morning, May 29,

*Campbell's History of Virginia, p. 573.

†Williamsburg.

‡Grigsby's Discourse, page 10.

||Committee of Correspondence.

§William Wirt Henry's Life of Patrick Henry, I., p. 182.

¶R. H. Lee's Life of Richard Henry Lee, Vol. 1., p. 427.

1774. It is signed by the twenty-five Burgesses referred to by Richard Henry Lee, Hugh Blair Grigsby, and the *Virginia Gazette*, and is as follows:

"30TH MAY, 1774.

"At a meeting of 25 of the late Representatives legally assembled by the Moderator, it was agreed That Letters be wrote to all our Sister Colonies, acknowledging the Receipt of the Letters and Resolves from Boston &c. informing them, that before the same came to hand, the Virginia Afsembly had been unexpectedly dissolved, and most of the members returned to their respective Counties. That it is the Opinion of all the late House of Burgefeses who could be convened on the present Occasion, that the Colony of Virginia will concur with the other Colonies in such measures as shall be judged most effectual for the preservation of the Common Rights and Liberty of British America; that they are of Opinion particularly that an Association against Importations will probably be entered into, as soon as the late Representatives can be collected, and perhaps against Exportations also after a certain Time. But that this must not be considered as an Engagement on the part of this Colony, which it would be presumption in us to enter into, and that we are sending Dispatches to call together the late Representatives to meet at Williamsburg on the first Day of August next to conclude finally on these important Questions.

PEYTON RANDOLPH, Moderator.

RO. C. NICHOLAS

EDMD PENDLETON

WILLM HARWOOD

RICH'R ADAMS

THOMAS WHITING

HENRY LEE

LEMUEL RIDDICK

TH JEFFERSON

MANN PAGE JUN

CHARS CARTER, of Lancaster

JAMES MERCER

R. WORMELEY CARTER

G. WASHINGTON

FRANCIS LIGHTFOOT LEE

THOMAS NELSON, Jr

R. RUTHERFORD

JOHN WALKER

JAMES WOOD

WM LANGHORNE

T. BLACKBURNE

EDMUND BERKELEY

JNO DONELSON

P. CARRINGTON

LEWIS BURWELL, of Gloucester."

It is manifest from the foregoing that, while the question of convening the Burgesses in convention on the first of August may have been decided prior to the 30th of May, there is no evidence of any definite or formal action before that date.

From the time the Burgesses were dissolved on the 26th of May, 1774, (when, after their dissolution, they met and issued a call convening themselves in convention at Williamsburg the first of August following,) until public mention is made in the *Gazette* of such elections having taken place, there is no suggestion or intimation to be found in the records or in the *Gazette* that the delegates to the August Convention were to be elected. Prior to this everything on record tends to show that the Burgesses had agreed among themselves that they would return on the first of August to consider grave and important questions.

On the 17th of June, Dunmore ordered writs to be issued for the election of a new Assembly to meet on August 11, 1774. These elections took place at the respective county courts in the month of July. It is ascertained from the *Virginia Gazette* that there was also an election in the same month for members of the convention which was to meet on the first of August. The *Virginia Gazette* publishes reports of meetings held in the following counties, which elected delegates to the August Convention—viz.: Albemarle, Chesterfield, Culpeper, Dinwiddie, Hanover, Henrico, Mecklenburg, Middlesex, New Kent, Richmond, Spotsylvania, Surry, Westmoreland, York, and the city of Williamsburg. It does not appear how or by what authority these elections were held. The delegates elected at the above meetings were members of the dissolved House of Burgesses, and all were returned to the new Assembly.

The *Gazette* makes mention of the election of delegates, giving their names, in every county in the State, but in many instances fails to state whether they were elected to the convention or to the Assembly. In nearly all of the counties the members of the dissolved House of Burgesses were elected to the convention, but not in every case was this so. George Washington and John West represented Fairfax county when the Burgesses were dissolved. At the election in July for a new Assembly, George Washington and Charles Broadwater were elected to the new Assembly, and they were also instructed to represent the county in the convention.

It is certain, however, that the delegates to the convention were either members of the dissolved Assembly or of the new Assembly. In more than three-fourths of the counties the dissolved Burgesses were returned to the new Assembly.

In the list of delegates to the convention presented below, where there is a doubt, the preference is given to the former Burgess, the name of his successor in the new Assembly being printed in parenthesis. Peyton Randolph was elected President of the Convention. There is no mention to be found of the election of a Secretary.

DELEGATES.

MET AUGUST 1ST, 1774. ADJOURNED AUGUST 6TH, 1774.

Accomack, Southey Simpfon and James Henry, (or Ifaac Smith,) Efquires.
Albemarle, Thomas Jefferfon* and John Walker, Efquires.

Amelia, John Tabb and John Winn, Efquires.

Amherft, William Cabell, jun. and Jofeph Cabell, Efquires.

Augufta, Samuel M'Dowell and Charles Lewis, (or George Matthews,) Efquires.

Efquires.

*Charles Campbell, in his History of Virginia, says: "Mr. Jefferson was elected a member of this convention, but was prevented from attending by the state of his health."

Bedford, John Talbot and Charles Lynch, Esquires.
 Berkeley, Robert Rutherford and Thomas Hite, (or John Hite,) Esquires.
 Botetourt, Andrew Lewis and John Bowyer, Esquires.
 Brunswick, Thomas Stith (or Frederick Maclin or Henry Tazewell,) and
 *———, (or Frederick Maclin or Henry Tazewell,) Esquires.
 Buckingham, Henry Bell (or John Nicholas or Anthony Winton,) and
 Charles May, (or John Nicholas or Anthony Winton,) Esquires.
 Caroline, Edmund Pendleton and James Taylor, Esquires.
 Charles City, William Acrill and Benjamin Harri-fon, Esquires.
 Charlotte, Paul Carrington and James Speed, Esquires.
 Chefterfield, Archibald Cary and Benjamin Watkins, Esquires.
 Culpeper, Henry Pendleton and Henry Field, Junior, Esquires.
 Cumberland, John Mayo and William Fleming, Esquires.
 Dinwiddie, John Banifter and Robert Bolling, Esquires.
 Dunmore, Francis Slaughter and Abraham Bird, Esquires.
 Elizabeth City, Henry King and Worlich Westwood, Esquires.
 Effex, James Edmondson and William Roane, Esquires.
 Fairfax, George Washington and Charles Broadwater, Esquires.
 Fauquier, Thomas Marshall and James Scott, Esquires.
 Fincastle, William Christian and Robert Doak, Esquires.
 Frederick, James Wood and Isaac Zane, Esquires.
 Gloucester, Thomas Whiting and Lewis Burwell, Esquires.
 Goochland, John Woodson and Thomas M. Randolph, Esquires.
 Halifax, Nathaniel Terry and Isaac Coles, (or Micajah Watkins,) Esquires.
 Hampshire, James Mercer and Joseph Neville, Esquires.
 Hanover, John Syme and Patrick Henry, Esquires.
 Henrico, Richard Adams and Samuel Duval, Esquires.
 Isle of Wight, Richard Hardy, (or John S. Wills or John Day,) and James
 Bridger, (or John S. Wills or John Day,) Esquires.
 James City, Robert Carter Nicholas and Lemuel Burwell, (or William Nor-
 velle,) Esquires.
 King George, Joseph Jones and William Fitzhugh, Esquires.
 King and Queen, George Brooke and J. T. Corbin, (or George Lyne,) Esquires.
 King William, William Aylett and Augustine Moore, (or Carter Braxton,) Esquires.
 Lancafter, Charles Carter and William Mitchell, (or James Selden,) Esquires.
 Loudoun, Francis Peyton and Thomas Mafon, (or Josiah Clapham,) Esquires.
 Louisa, Thomas Johnson and Richard Anderfon, (or Thomas Walker,) Esquires.
 Lunenburg, Richard Claiborne and Thomas Pettus, Esquires.
 Mecklenburg, Robert Munford and Matthew Marable, Esquires.
 Middlesex, Edmund Berkeley and James Montague, Esquires.
 Nanfemond, Lemuel Riddick and Benjamin Baker, Esquires.
 New Kent, Burwell Baffett and Bartholomew Dandridge, Esquires.
 Norfolk, Thomas Newton and James Holt, Esquires.

*John Jones was elected to the House of Burgesses which was dissolved on May 26, 1774, but resigned to accept the office of sheriff. The records do not show whether this vacancy was filled or not. If it was it is probable that either Frederick Maclin or Henry Tazewell was chosen.

Northampton, John Bowdoin and John Burton, (or Adiel Milby,) Esquires.

Northumberland, Peter P. Thornton and Rodham Kenner, Esquires.

Orange, Thomas Barbour and James Taylor, Junior, Esquires.

Pittsylvania, Hugh Innes and John Donelson, Esquires.

Prince Edward, Peter LeGrand and Paschall Greenhill, (or William Bibb,) Esquires.

Prince George, Richard Bland and Peter Poythrefts, Esquires.

Princess Anne, Christopher Wright and E. H. Mofeley, (or William Robinson,) Esquires.

Prince William, Henry Lee and Thomas Blackburne, Esquires.

Richmond, Robert Wormeley Carter and Francis Lightfoot Lee, Esquires.

Southampton, Edwin Gray and Henry Taylor, Esquires.

Spotsylvania, George Stubblefield and Mann Page, Junior, Esquires.

Stafford, John Alexander and Charles Carter, Esquires.

Surry, Allen Cocke and Nicholas Faulcon, Esquires.

Suffex, David Mafon and Michael Bleau, Esquires.

Warwick, William Harwood and William Langhorne, Esquires.

Westmoreland, Richard Henry Lee and Richard Lee, Esquires.

York, Dudley Digges and Thomas Nelson, Junior, Esquires.

Jamestown, Champion Travis, Esquire.

Norfolk Borough, Joseph Hutchings, Esquire.

William and Mary College, John Randolph, Esq; Attorney General.

Williamburg, Honourable Peyton Randolph, Esquire.

The *Virginia Gazette* of August 11, 1774, has the following:

"At a very full Meeting of Delegates from the different Counties in the Colony and Dominion of Virginia, begun in Williamburg on the first Day of August, in the Year of our Lord 1774, and continued by several Adjournments to Saturday the 6th of the same Month, the following ASSOCIATION was unanimously resolved upon and agreed to."

The following resolutions are copied from the association above referred to:

"2dly. We will neither ourselves import, nor purchase, any Slave, or Slaves, imported by any Person, after the 1st Day of November next, either from Africa, the West Indies, or any other Place.

"3dly. Considering the Article of Tea as the detestable Instrument which laid the Foundation of the present Sufferings of our distressed Friends in the Town of Boston, we view it with Horror; and therefore resolve, that we will not, from this Day, either import Tea of any Kind whatever, nor will we use, or suffer even such of it as is now on Hand to be used, in any of our Families.

"5thly. We do resolve, that unless American Grievances are redressed before the 10th Day of August, 1775, we will not, after that Day, directly or indirectly, export Tobacco, or any other Article whatever, to Great Britain; nor will we sell any such Articles as we think can be exported to Great Britain with a Prospect of Gain to any Person or Persons whatever with a Design of putting it into his or their Power to export the same to Great Britain, either on our own, his, or their, Account. And that this Resolution may be the more effectually carried into Execution, we do hereby recommend it to the Inhabitants of this Colony to refrain from the Cultivation of Tobacco as much as conveniently may be; and, in Lieu

thereof, that they will, as we resolve to do, apply their Attention and Industry to the Cultivation of all such Articles as may form a proper Basis for Manufactures of all Sorts, which we will endeavour to encourage throughout this Colony to the utmost of our Abilities.

"12thly and lastly. Resolved, that the Moderator of this Meeting, and, in Case of his Death, Robert Carter Nicholas, Esquire, be empowered, on any future Occasion, that may in his Opinion require it, to convene the several Delegates of this Colony, at such Time and Place as he may judge proper; and, in Case of the Death or Absence of any Delegate, it is recommended that another be chosen in his Place."

The temper of the convention and of the times may be judged from George Washington's statement in the convention, that he would raise one thousand men, subsist them at his own expense, and march himself at their head for the relief of Boston.*

Mr. Jefferson, commenting on the work of this convention, says: "The convention met on the 1st of Aug, renewed their association, appointed delegates to Congress, gave them instructions very temperately & properly expressed, both as to style & matter; and they repaired to Philadelphia at the time appointed."†

The convention appointed Honourable Peyton Randolph, Esq; ** Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, Esquires, to represent the colony in the General Congress at Philadelphia, September 5, 1774.‡

Both Charles Campbell and John Esten Cooke, in their respective histories of Virginia, state that the deputies to the General Congress were appointed on August 11, 1774. The proceedings of the convention, published in the *Gazette* at the time, is conclusive evidence that the convention adjourned August 6, 1774. These historians probably fell into the error of making it "August 11" from the fact that the proceedings of the convention were first published in the *Gazette* of August 11, 1774.

George Washington's diary§ is a further proof that the convention adjourned on the 6th of August. The diary shows that he went from Colonel Bassett's on the morning of August 1st to Williamsburg to attend the convention. It also notes what he did the 2d, 3d, 4th, 5th, and 6th, and concludes with the statement that he left Williamsburg on the morning of the 7th of August, 1774. He was a member of the convention, and it is not probable that he left Williamsburg before the convention adjourned.

*Life and Works of John Adams, II., 360.

†Paul Leicester Ford's Collection of Thomas Jefferson's Writings, I., 14.

**Elected president of the General Congress held at Philadelphia, September, 1774.

‡*Virginia Gazette* of August 11, 1774.

§Writings of George Washington, collected by Worthington Chauncey Ford, Vol. I., 427.

CONVENTION OF MARCH 20, 1775.

This convention met in the town of Richmond, in the county of Henrico, on Monday the 20th of March, 1775.

When the convention of 1774 adjourned a resolution was adopted authorizing the moderator, or, in case of his death, Robert Carter Nicholas, on any future occasion, deemed expedient, to call the delegates together. However, there is no record of any such action by the moderator. The question of how the convention of March 20th was assembled is a mooted one.

The examination of the files of the *Virginia Gazette* of February, 1775, develops the fact that many of the delegates to the convention about to assemble, and who were delegates to the former convention, were re-elected. The *Gazette* publishes accounts of elections and designates the delegates elected from a number of counties.

"February 4, 1775.—Yesterday, at a meeting of the inhabitants of this city, Hon. Peyton Randolph, Esq; was unanimously chosen their Delegate to attend the convention at the town of Richmond, on the 20th of next Month."* Prince George chose Richard Bland and Peter Poythress; James City, Robert Carter Nicholas and William Norvell; York, Dudley Digges and Thomas Nelson; Isle of Wight, John S. Wills and Josiah Parker, and Middlesex, Edmund Berkeley and James Montague. All of the above delegates, with possibly one exception, were members of the dissolved and of the new House of Burgesses and also delegates to the convention of 1774. This is conclusive evidence that the delegates to the convention of March, 1775, were elected or chosen in February preceding.

The convention met in St. John's Church; elected Peyton Randolph President and John Tazewell Clerk.

The following is the list of delegates copied from the journal of the convention:

DELEGATES.

MET MARCH 20, 1775. ADJOURNED MARCH 27, 1775.

THE hon. Peyton Randolph, Esq. a delegate for the city of Williamfburg.
Ifaac Smith, Esq. for Accomack county.
Thomas Jefferfon, and John Walker, Esqrs. for Albemarle.
John Tabb, and John Winn, Esqrs. for Amelia.
William Cabell, jun. and Joseph Cabell, Esqrs. for Amherst.
Thomas Lewis, Samuel M'Dowell, and John Harvie, Esqrs. for Augufta.
John Talbot, and Charles Lynch, Esqrs. for Bedford.
Andrew Lewis, and John Bowyer, Esqrs. for Botetourt.
Frederick Maclin, and Henry Tazewell, Esqrs. for Brunfwick.

**Virginia Gazette* of February 4, 1775.

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John Nicholas, and Anthony Winton, Efqs. for Buckingham.
 Robert Rutherford, and Adam Stephen, Efqs. for Berkeley.
 Edmund Pendleton, and James Taylor, Efqs. for Caroline.
 Benjamin Harrifon, and William Acrill, Efqs. for Charles City.
 Paul Carrington, and Ifaac Read, Efqs. for Charlotte.
 Archibald Cary, and Benjamin Watkins, Efqs. for Chefterfield.
 Henry Pendleton, and Henry Field, jun. Efqs. for Culpeper.
 William Fleming, and John Mayo, Efqs. for Cumberland.
 John Banifter, and William Watkins, Efqs. for Dinwiddie.
 Jonathan Clarke, Efq. and Peter Muhlenburg, Clerk, for Dunmore.
 Henry King, and Worlich Westwood, Efqs. for Elizabeth City.
 James Edmondson, and Meriwether Smith, Efqs. for Effex.
 George Wafhington, and Charles Broadwater, Efqs. for Fairfax.
 Thomas Marfhall, and James Scott, Efqs. for Fauquier.
 Ifaac Zane, Efq. and Charles Minn Thrufton, Clerk, for Frederick.
 William Chriftian, Efq. for Fincastle.
 Thomas Whiting, and Lewis Burwell, Efqs. for Gloucester.
 John Woodfon, and Thomas Mann Randolph, Efqs. for Goochland.
 Nathaniel Terry, and Micajah Watkins, Efqs. for Halifax.
 James Mercer, Efq. for Hampshire.
 Patrick Henry, jun. and John Syme, Efqs. for Hanover.
 Richard Adams, and Samuel Du-Val, Efqs. for Henrico.
 Robert C. Nicholas, and William Norvell, Efqs. for James City.
 John S. Wills, and Jofiah Parker, Efqs. for Ifle of Wight.
 Jofeph Jones, and William Fitzhugh, Efqs. for King George.
 George Brooke, and George Lyne, Efqs. for King and Queen.
 Carter Braxton, and William Aylett, Efqs. for King William.
 James Selden, and Charles Carter, Efqs. for Lancafter.
 Francis Peyton, and Jofiah Clapham, Efqs. for Loudoun.
 Thomas Johnfon, and Thomas Walker, Efqs. for Louifa.
 Richard Claiborne, and David Garland, Efqs. for Lunenburg.
 Edmund Berkeley, Efq. for Middlefex.
 Robert Burton, and Bennett Goode, Efqs. for Mecklenburg.
 Lemuel Riddick, and Willis Riddick, Efqs. for Nanfemond.
 Burwell Baffett, and Bartholomew Dandridge, Efqs. for New Kent.
 Thomas Newton, jun. and James Holt, Efqs. for Norfolk county.
 John Burton, Efq. for Northampton.
 Rodham Kenner, and Thomas Jones, Efqs. for Northumberland.
 Thomas Barbour, and James Taylor, Efqs. for Orange.
 Peter Perkins, and Benjamin Lankford, Efqs. for Pittfylvania.
 Robert Lawfon, and John Nafh, Efqs. for Prince Edward.
 Richard Bland, and Peter Poythrefs, Efqs. for Prince George.
 William Robinfon, and Christopher Wright, Efqs. for Princefs Anne.
 Henry Lee, and Thomas Blackburn, Efqs. for Prince William.
 Robert Wormeley Carter, and Francis Lightfoot Lee, Efqs. for Richmond.
 Edwin Gray, and Henry Taylor, Efqs. for Southampton.
 George Stubblefield, and Mann Page, jun. Efqs. for Spottfylvania.
 John Alexander, and Charles Carter, Efqs. for Stafford.
 Allen Cocke, and Nicholas Faulcon, jun. Efqs. for Surry.
 David Mafon, and Henry Gee, Efqs. for Suffex.

William Langhorne, Esq. for Warwick.
 Richard Henry Lee, and Richard Lee, Esqrs. for Westmoreland.
 Dudley Digges, and Thomas Nelson, jun. Esqrs. for York.
 Champion Travis, Esq. for Jamestown.
 Joseph Hutchings, Esq. for Norfolk borough.

MONDAY, MARCH 20TH, 1775.

(From Journal of the Convention.)

The honourable Peyton Randolph, Esq. was unanimously elected President of this Convention, and Mr. John Tazewell, Clerk thereof.

The President then recommended it to the Convention to proceed in the deliberation and discussion of the several important matters which should come before them, with that prudence, decency and order, which had distinguished their conduct on all former occasions; and laid before the Convention the proceedings of the Continental Congress, together with a letter from Benjamin Franklin, William Bolla, and Arthur Lee, Esqrs. advising that the petition to his Majesty had been presented and graciously received.

JOURNAL OF CONVENTION, MARCH 22D.

"Resolved unanimously, That the warmest thanks of this convention, and all the inhabitants of this colony, whom they represent, are particularly due, and that this first tribute of applause be presented to the Honourable Peyton Randolph, Esq., Richard Henry Lee, George Washington, Patrick Henry, Jun. Richard Bland, Benjamin Harrison, and Edmund Pendleton, Esquires, the worthy delegates deputed by a former convention to represent this Colony in General Congress, for their cheerful undertaking, and faithful discharge of the very important trust reposed in them."

On the same day the convention proceeded to the election, by ballot, of delegates to represent the colony in the General Congress to be held on the 10th of May following, when the delegates mentioned in the above resolution were re-elected.

The following appears in the Journal of March 23d:

"A Copy of the petition and memorial of the Assembly of Jamaica to the King's most excellent Majesty was laid before the Convention, and being read, and maturely considered:

"Resolved, That the unfeigned thanks, and most grateful acknowledgements, of this Convention be presented to that very respectable Assembly, for the exceeding generous and affectionate part they have so nobly taken in the unhappy contest between Great Britain and her colonies, and for their truly patriotic endeavours to fix the Just claims of the colonists upon the most permanent constitutional principles.

"That the Assembly be assured, that it is the most ardent wish of this colony (and we are persuaded of the whole Continent of North America) to see a speedy return of those halcyon days when we lived a free and happy people.

"Resolved, That the President be desired to transmit these resolutions to the Speaker of the Jamaica Assembly, by the earliest opportunity."

Charles Campbell says*: "The too abject tone of these resolutions aroused the patriotic indignation of Patrick Henry, and he introduced resolutions for putting the colony immediately into a state of defence against the encroachments of Great Britain, and for embodying, arming, and disciplining a force of well-regulated militia for that purpose."

Below are the resolutions proposed by Patrick Henry:

"Resolved, That a well regulated militia, composed of Gentlemen and Yeomen, is the natural strength, and only security, of a free government; that such a militia in this colony would forever render it unnecessary for the mother country to keep among us, for the purpose of our defence, any standing army of mercenary forces, always subversive of the quiet, and dangerous to the liberties of the people, and would obviate the pretext of taxing us for their support.

"That the establishment of such a militia is at this time peculiarly necessary, by the state of our laws for the protection and defence of the country, some of which are already expired, and others will shortly do so; and that the known remissness of government, in calling us together in a legislative capacity, renders it too insecure, in this time of danger and distress, to rely, that opportunity will be given of renewing them in General Assembly, or making any provision to secure our inestimable rights and liberties from those farther violations with which they are threatened.

"Resolved therefore, That this colony be immediately put into a posture of defence; and that Patrick Henry, Richard Henry Lee, Robert Carter Nicholas, Benjamin Harrison, Lemuel Riddick, George Washington, Adam Stephen, Andrew Lewis, William Christian, Edmund Pendleton, Thomas Jefferson, and Isaac Zane, Esquires, be a committee to prepare a plan for the embodying, arming, and disciplining such a number of men as may be sufficient for that purpose."

These resolutions were supported by Henry, Jefferson, the Lees, Pages, Mason, and others. They were opposed by Bland, Harrison, Pendleton, Nicholas, and Wythe. To the arguments of the latter, Patrick Henry said, in part: "They tell me that we are weak; but shall we gather strength by irresolution? We are not weak. Three millions of people armed in the holy cause of liberty, and in such a country, are invincible by any force which our enemy can send against us. We shall not fight alone. A Just God presides over the destinies of nations, and will raise up friends for us. The battle is not to the strong alone; it is to the vigilant, the active, the brave. Besides, we have no election. If we were base enough to desire it, it is too late to retire from the contest. There is no retreat but in submission and slavery. The war is inevitable—and let it come! let it come!

"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death."

*Campbell's History of Virginia, p. 599.

†Journal of Convention, p. 5.

From the Journal of March 24th:

"Certain paragraphs in the publick papers said to be the votes of the House of Representatives of New York, being read,

"The Convention, taking into their consideration that the said province of New York did, by their delegates in General Congress, solemnly accede to the compact of association there formed for the preservation of American rights that a defection from such their compact would be a perfidy too atrocious to be charged on a sister colony, but on the most authentic information and also doubting whether, from some radical defect in the constitution of that government, the sense of their House of Representatives, on questions of this nature, should be considered as the sense of the people in general, came to the following resolutions:

"Resolved, That it be an instruction to the Committee of Correspondence for this colony that they procure authentic information from the Committee of Correspondence in the province of New York, or otherwise, whether their House of Representatives, by any vote or votes whatsoever, have deserted the union with the other American colonies, formed in General Congress, for the preservation of their just rights; whether the other colonies are to consider such vote, or votes, as declaring truly the sense of the people of their province in general, and as forming a rule for their future conduct; and, if they are not to be so considered, that then they inform us, by their names, and other sufficient descriptions, of the individuals who may have concurred in such vote or votes; and that the said committee lay such their information before the next Convention, or Assembly."

Journal of Convention, March 27th:

"Resolved that Thomas Jefferson, Esq; be appointed a Deputy to represent this colony in General Congress, in the room of the Hon. Peyton Randolph, Esq., in case of the non-attendance of the said Peyton Randolph, Esquire."

On the same day, March 27th, adjourned as follows:

"Resolved, That, this Convention doth consider the delegation of its members as now at an end; and that it be recommended to the people of this colony to choose Delegates to represent them in Convention for one year, as soon as they conveniently can."

CONVENTION OF JULY 17, 1775.

This convention met in the town of Richmond, in the county of Henrico, on Monday, the 17th day of July, 1775.

The General Assembly had been prorogued to the first Thursday in May, 1775, but on the 18th of April Dunmore prorogued it from the first Thursday in May to first Thursday in September; but subsequently, May 12th, the Governor issued a proclamation convening the General Assembly on the first Thursday of June, 1775. The General Assembly accordingly met, and the Burgesses by resolution endorsed the proceedings of the March convention, the resolution concluding with the words, "And that it be recommended to all the good people of this Colony strictly to conform to, and observe the same."

In accordance with recommendations of the last convention, the people, in April, 1775, met and elected delegates to serve in convention for one year from the first of the following May. By reference to the *Virginia Gazette* of that date, accounts of the meetings, naming the delegates, will be found.

John Esten Cooke, discussing the refusal of the Burgesses to wait on Lord Dunmore aboard the *Fowey*, says: "All was now seen to be at an end; and the Assembly, after calling a meeting of the convention in July, adjourned."*

The Journal of the House of Burgesses fails to corroborate Mr. Cooke's statement. The *Virginia Gazette* of July 1, 1775, says: "The General Assembly have adjourned themselves to the 12th of October next, and the Delegates are summoned to meet in Convention, at the town of Richmond, on the 7th instant." The *Gazette* does not say that the Assembly summoned the delegates to meet in convention. There is no record of how this convention was convened.

The convention organized by electing Peyton Randolph President and John Tazewell Clerk. The following list of delegates is taken from the Journal of the convention:

DELEGATES.

MET JULY 17, 1775. ADJOURNED AUGUST 26, 1775.

The Hon. Peyton Randolph,† Esquire, for the city of Williamsburg.

John Walker, and Charles Lewis,¹ Esquires, for Albemarle.

John Tabb, and John Winn, Esq's. for Amelia.

William Cabell, junior, and Joseph Cabell, Esq's. for Amherst.

Samuel M'Dowell, and Thomas Lewis, John Harvie, and George Rootes, Esq's. for Augusta.

John Talbot, and Charles Lynch, Esq's. for Bedford.

John Bowyer, Esq. for Botetourt.

Frederick Maclin, and Henry Tazewell, Esq's. for Brunswick.

*John Esten Cooke's History of Virginia, 434.

Retired from the convention August 17th, on account of bad health, in order to recuperate for his duties in the Continental Congress, soon to meet.

¹Sat until August 9th as alternate for Thomas Jefferson.

John Nicholas, and Robert Bolling, Esq's. for Buckingham.
 Robert Rutherford, and Adam Stephen, Esq's. for Berkeley.
 James Taylor, and William Woodford,² Esq's. for Caroline.
 William Acrill, and Benjamin Harrifon,³ jun. Esq's. for Charles City.
 Paul Carrington, and Ifaac Read, Esq's. for Charlotte.
 Archibald Cary, and Benjamin Watkins, Esq's, for Chesterfield.
 Henry Field, junior, Esq. for Culpeper.
 William Fleming, and John Mayo, Esq's. for Cumberland.
 John Bannifter, and John Ruffin, Esq's. for Dinwiddie.
 Jonathan Clarke, Esq. for Dunmore.
 Henry King, and Worlich Westwood, Esq's. for Elizabeth City.
 Meriwether Smith, Esq. for Effex.
 Charles Broadwater, and George Mafon, Esq's. for Fairfax.
 Thomas Marfhall, and James Scott, Esq's. for Fauquier.
 Ifaac Zane, Esq. and Charles M. Thrufton, clerk, for Frederick.
 William Chriftian, and Stephen Trigg, Esq's. for Fincastle.
 Lewis Burwell, Esq. for Gloucester.
 John Woodfon, and Thomas Mann Randolph, Esq's. for Goochland.
 Micajah Watkins, Esq. for Halifax.
 James Mercer, Esq. for Hampfhire.
 John Syme, and Garland Anderson,⁴ Esq's. for Hanover.
 Richard Adams, and Richard Randolph, Esq's. for Henrico.
 Robert C. Nicholas,† and William Norvell, Esq's. for James City.
 John S. Wills, and Jofiah Parker, Esq's. for Ifle of Wight.
 Jofeph Jones, and William Fitzhugh, Esq's. for King George.
 George Brooke, and George Lyne, Esq's. for King & Queen.
 Carter Braxton, and William Aylett, Esq's. for King William.
 James Selden, and Charles Carter, Esq's. for Lancaster.
 Francis Peyton, and Jofiah Chapman, Esq's. for Loudoun.
 Thomas Johnfon, and Thomas Walker, Esq's. for Louifa.
 David Garland, and Thomas Tabb, Esq's. for Lunenburg.
 James Montague, Esq. for Middlefex.
 Robert Burton, and Bennett Goode, Esq's. for Mecklenburg.
 Andrew Meade, and James Murdaugh, Esq's. for Nanfemond.
 Burwell Baffett, and Bartholomew Dandridge, Esq's. for New Kent.
 Thomas Newton, and James Holt, Esq's. for Norfolk County.
 Peter Prefley Thornton, and Rodham Kenner, Esq's. for Northumberland.
 Thomas Barbour, Esq. for Orange.
 Robert Lawfon, and William Bibb, Esq's. for Prince Edward.
 Richard Bland, and Peter Poythrefs, Esq's. for Prince George.
 William Robinfon, Esq. for Princefs Anne.
 Henry Lee, and Thomas Blackburn, Esq's. for Prince William.
 Robert Wormeley Carter, Esq. for Richmond.
 Edwin Gray, Esq. for Southampton.

²Sat as alternate until August 9th for Edmund Pendleton.

³Sat as alternate until August 9th for Benjamin Harrison.

⁴Sat as alternate until August 9th for Patrick Henry.

†Elected President August 17th to succeed Peyton Randolph, resigned.

George Stubblefield, and Mann Page, jun. Esq's. for Spottsylvania.
 Charles Carter, and Thomas Ludwell Lee, Esq's. for Stafford.
 Allen Cocke, and Nicholas Faulcon, Esq's. for Surry.
 David Mafon, and Henry Gee, Esq's. for Suffex.
 William Langhorne, Esq. for Warwick.
 Richard Lee, and John A. Wafhington,^s Esq's. for Westmoreland.
 Dudley Digges, and Thomas Nelfon, Esq's. for York.
 Champion Travis, Esq. for Jamestown.
 Joseph Hutchings, Esq. for Norfolk borough.

On the 5th of August, Patrick Henry was appointed colonel of the First Regiment.

On the 11th of August, the convention elected the following deputies to represent the colony in the General Congress for one year: Peyton Randolph, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Richard Bland, and George Wythe. On the next day Richard Bland declined to serve on account of the state of his health, and on the 15th of August Francis Lightfoot Lee was elected in his stead.

On the 16th of August, the convention proceeded to the appointment of the Committee of Safety. The balloting resulted in the election of Edmund Pendleton, George Mason, John Page, Richard Bland, Thomas Ludwell Lee, Paul Carrington, Dudley Digges, William Cabell, Carter Braxton, James Mercer, and John Tabb. While the Committee of Safety was accountable to the convention, its powers were very great. It commissioned all officers, directed all military movements, issued warrants on the treasury, and all commanding officers were required to obey its orders.

On the 26th of August, the convention balloted for the next place of meeting, and the vote stood: Richmond, 25; Williamsburg, 22; and Fredericksburg, 1.

The convention adopted the following:

"Whereas, by the unhappy differences subsisting between Great Britain and this colony, the usual meetings of the General Assembly, deliberations on the situation of the country, and making provision for the exigencies of the government in a constitutional way, are altogether obstructed: for these reasons, it is become indispensably necessary for the oppressed people of this country, at a crisis so alarming, to adopt such other mode of consulting and providing for the general safety as may seem most conducive to that great end."

The convention passed ordinances for raising a sufficient force for the protection of the colony; for the better government of the forces to be raised in the service of the colony; for the election of delegates and ascertaining their allowance; for appointing commissioners to settle the accounts of the militia; for providing arms and ammunition for the use of the colony, and for paying the expenses of the delegates to the General Congress.

After the adoption of the subjoined declaration, the convention, on the 26th of August, 1775, adjourned:

^sSat as alternate for R. H. Lee until August 11th.

NOTE.—The above delegates were all deputies to the Continental Congress, and upon their return took their seats in the convention.

A DECLARATION of the DELEGATES deputed by the several counties and corporations in the colony and dominion of Virginia to represent them in General Convention, setting forth the cause of their meeting, and the necessity of immediately putting the country into a posture of defence, for the better protection of their lives, liberties, and properties.

The advantages resulting from the wisest institutions, and the price of all sublunary enjoyments, are best to be estimated from their loss or diminution. By this accurate scale, we are taught to weigh the many blessings derived to this once happy country from our excellent constitution. So long as this was maintained on its original principles, and remained inviolate, all was well with us; everything flowed in a proper, peaceful channel; all were quiet, and at ease. But, how great the change! how dreadful the reverse!

The times were, and these not very distant, when the representatives of the people, with much pleasure, met their governors in General Assembly. In these assemblies the greatest harmony prevailed, till a fatal change of ministerial systems took place. A causeless, hasty dissolution drove the representative body to the unhappy dilemma of either sacrificing the most essential interests of their constituents, or of meeting in General Convention, to assert and preserve them. The unlucky incidents here alluded to are of public notoriety, and need not a particular enumeration.

Repeated prorogations of our Assembly, when the country was in the greatest distress, rendered a Convention, in the month of March last, absolutely necessary. The delegates of the people, then met in full Convention, the most numerous Assembly that had ever been known in this Colony, taking a view of our unhappy situation, considering the country exposed to the most eminent dangers, as well from invasions as insurrections, knowing its then defenceless state, and seeing no prospect that opportunity would be given them in General Assembly to provide and guard against such extensive evils, judged it their indispensable duty to put the country into a posture of defence. They recommended a due attention to the militia law; but, considering this inadequate to the purpose, they farther advised the raising one or more volunteer companies, in each county. In all their transactions, however, a proper regard and respect was paid to government.

In a short time afterwards, a most extraordinary manœuvre was exerted by the Governor to render this country still more defenceless, by removing our small stock of gunpowder from the public magazine, and stripping of their locks a great number of public arms. It is very remarkable that this was done at a time when he acknowledged to have received information that an insurrection was apprehended in a neighboring county. This, together with his Lordship's threats of emancipating our slaves, and reducing to ashes the principal city in this colony, added to the many alarming accounts received from the northern colonies, could not but excite jealousies, and awaken the fears of the people.

The country, by these means, being thrown into a ferment, and there being little ground of hope that the Assembly would be called, it was thought advisable that a General Convention should be speedily held, to take under their consideration the state of the colony. The governor, however, on receipt of despatches from England, was pleased to issue his proclamation for convening the General Assembly. The design of calling a Convention was then laid aside, in hopes that matters might, in another place, be settled and adjusted in the usual mode. The proceedings of the House of Burgesses, the governor's conduct towards them, his with-

drawing from the seat of his government, and taking up his residence on board one of his Majesty's ships of war, the many obstructions given by his lordship to the business of the Assembly, and his determined resolution to render abortive those very measures he had recommended, are faithfully and impartially submitted to the publick, in a pamphlet published by order of the House of Burgesses.

The two other branches of our Legislature, his majesty's Council and the Burgesses, finding that his lordship had resisted their joint and most earnest entreaties, and that he was resolved not to return to the duties of his station, adjourned themselves to the month of October next.

The governor still continuing on board the man of war, if his former conduct, his repeated and horrible threats, his at least connivance at the detention of some of our slaves on board the same ship, and a too well grounded report of his having solicited troops to be sent among us, some of which are now arrived, could have left a doubt of his hostile intentions towards this country, the hurrying his most amiable lady and his children across the Atlantic, under a frivolous and groundless pretence of their being in danger amongst a people by whom they are universally esteemed and respected, holds out to us an irrefragable proof of his fixed determination to do this unhappy country every injury in his power.

Under these embarrassments, seeing an unusual resort of ships of war and other armed vessels in our harbours, knowing the threats of one of their commanders, in short, when exposed to such accumulated dangers, what could be expected of this country? That we should sit supinely down, and suffer the views and machinations of an arbitrary relentless ministry to be carried into execution, without opposition or controul? The justice due to this community, every motive to public virtue, conspire in forbidding it. We therefore, deputed for this important purpose, have met in General Convention, and taken into our most serious consideration the state of the colony. Since our assembling, we have received authentic intelligence of the remorseless fury with which general Gage and his coadjutors are endeavoring to spread fire, famine, and the most horrid desolation, throughout a sister colony; of their insidious and cruel attempts to stir up the barbarous savages against the inhabitants on the frontiers of the different colonies. We have seen a declaration of the Continental Congress, which proves the necessity of an immediate preparation for our security, by putting this whole country into a full state of defence, both against invasions and insurrections. In the present untoward and distressful situation of our affairs, and the better to preserve the peace and good order of the community, we are farther driven to the very disagreeable necessity of supplying the present want of government, by appointing proper guardians of the rights and liberties of our country. But, lest our views and designs should be misrepresented or misunderstood, we again and for all, publicly and solemnly declare, before God and the world, that we do bear faith and true allegiance to his majesty George the third, our only lawful and rightful king; that we will, so long as it may be in our power, defend him and his government, as founded on the laws and well known principles of the Constitution; that we will, to the utmost of our power, preserve peace and good order throughout the country, and endeavour, by every honorable means, to promote a restoration of that friendship and amity which so long and happily subsisted between our fellow subjects in Great Britain and the inhabitants of America; that as, on the one hand, we are determined to defend our lives and properties, and maintain our just rights and privileges, at every, even the extremest hazard, so, on the other, it is our fixed and unalterable resolution to disband such forces

as may be raised in this colony whenever our dangers are removed, and America is restored to that former state of tranquility and happiness, the interruption of which is so much deplored by us and every friend to either country.

It remains a bounden duty on us to commit our cause to the justice of that Supreme Being who ruleth and ordereth all human events with unerring wisdom, most humbly beseeching him to take this colony, and the whole continent, under his fatherly and divine protection, and that he will be graciously pleased to soften the hearts of those who meditate evil against our land, and inspire them with the purest sentiments of justice, moderation, and brotherly affection.

RO. C. NICHOLAS, President,
pro tempore.

(A Copy)

JOHN TAZEWELL, Clerk of
the Convention.

CONVENTION OF DECEMBER 1, 1775.

The convention met at the town of Richmond on December 1, 1775, and on the same day adjourned to meet in the city of Williamsburg on the following Monday, where the remainder of the session was held.

The House of Burgesses, when it adjourned on the 24th of June, 1775, adjourned to meet on Thursday, October 12th, following. The Journal of the House of Burgesses contains the following:

“THURSDAY THE 12TH OF OCTOBER; 15 GEO. III. 1775.

“The House met according to the Adjournment; but no more than thirty seven Members appearing, which was not a sufficient number to proceed to Business. The House adjourned till the first Thursday in March next.”

The delegates to the last former convention having been elected to serve one year from May 1, 1775, there was no election of delegates to this convention. However, for reasons which are not explained, there is a marked difference in the list of delegates named in the journals of July 1, 1775, and that of December 1, 1775. For this reason the list of delegates for this convention as found in the Journal will be inserted below.

Edmund Pendleton was elected President and John Tazewell Clerk.

DELEGATES.

MET DECEMBER 1, 1775. ADJOURNED JANUARY 20, 1776.

For Albemarle, John Walker and Charles Lewis, Esquires.

Amelia, John Tabb and John Winn, Esquires.

Amherft, William Cabell, jun. and Joseph Cabell, Esquires.

Augufta, Samuel M'Dowell and Thomas Lewis, Esquires.

Bedford, John Talbot, Esquire.

Botetourt, Andrew Lewis and John Bowyer, Esquires.

Brunswick, Frederick Maclin and Henry Tazewell, Esquires.

Buckingham, Thomas Patterfon, Esquire.

Berkeley, Robert Rutherford and William Drew, Esquires.

Caroline, Edmund Pendleton and James Taylor, Esquires.

Charles City, William Acrill and Benjamin Harrifon, jun. Esquires.

Charlotte, Paul Carrington and Ifaac Read, Esquires.

Chefterfield, Archibald Cary and Benjamin Watkins, Esquires.

Culpeper, Henry Pendleton and Henry Field, jun. Esquires.

Cumberland, William Fleming and John Mayo, Esquires.

Dinwiddie, John Bannifter and John Ruffin, Esquires.

Dunmore, Jonathan Clarke and Peter Muhlenburg, Esquires.
 Elizabeth City, Henry King and Worlich Westwood, Esquires.
 Effex, James Edmondson and Meriwether Smith, Esquires.
 Fairfax, Charles Broadwater, Esquire.

Fauquier, James Scott, Esquire.

Frederick, Rev. Charles M. Thrufton.

- Fincastle, George Rootes.²

Gloucester, Thomas Whiting, Esquire.

Goochland, John Woodson and Thomas M. Randolph, Esquires.

Halifax, Nathaniel Terry and Micajah Watkins, Esquires.

Hampshire, James Mercer and Joseph Neaville, Esquires.

Hanover, John Syme and Samuel Meredith, Esquires.

Henrico, Richard Adams and Richard Randolph, Esquires.

James City, Robert C. Nicholas and William Norvell, Esquires.

Isle of Wight, John S. Wills and Josiah Parker, Esquires.

King George, Joseph Jones and William Fitzhugh, Esquires.

King & Queen, George Brooke, Esquire.

King William, Carter Braxton and William Aylett, Esquires.

Lancaster, James Selden and Charles Carter, Esquires.

Loudoun, Francis Peyton and Josiah Clapham, Esquires.

Louisa, Thomas Johnson and Thomas Walker, Esquires.

Lunenburg, David Garland and Thomas Tabb, Esquires.

Middelfex, Edmund Berkeley and James Montague, Esquires.

Mecklenburg, Robert Burton and Bennet Goode, Esquires.

Nansemond, James Murdaugh and Andrew Meade, Esquires.

New-Kent, Burwell Baffett and Bartholomew Dandridge, Esquires.

Norfolk, Thomas Newton, jun. and James Holt, Esquires.

Northampton, Michael Christian, Esquire.

Northumberland, Peter P. Thornton and Rodham Kenner, Esquires.

Orange, Thomas Barbour and James Taylor, Esquires.

Pittsylvania, Peter Perkins and Benjamin Lankford, Esquires.

Prince Edward, Robert Lawton and William Bibb, Esquires.

Prince George, Richard Bland and Peter Poythrefts, Esquires.

Princess Anne, Christopher Wright, Esquire.

Prince William, Henry Lee and Thomas Blackburn, Esquires.

Richmond, Robert W. Carter and Walter Jones,† Esquires.

Southampton, Edwin Gray and Henry Taylor, Esquires.

Spotsylvania, George Stubblefield and Mann Page, jun. Esquires.

Stafford, Charles Carter, jun. and Thomas Ludwell Lee, Esquires.

Surry, Allen Cocke and Nicholas Faulcon, jun. Esquires.

Suffex, David Mafon and Henry Gee, Esquires.

²Journal of Convention leaves delegates for Fincastle blank, but the *Colonial Register*, compiled by William G. and Mary Newton Stanard, says that George Rootes represented Fincastle.

†In place of Francis Lightfoot Lee.

Warwick, William Harwood and William Langhorne, Esquires.
 Westmoreland, Richard Lee and John A. Washington,* Esquires.
 York, Dudley Digges and Hugh Nelson, Esquires.
 Jamestown, Champion Travis, Esquire.
 Williamsburg, Joseph Prentis, Esquire.†

FRIDAY, DECEMBER 1, 1775.

(From Journal of the Convention.)

Paul Carrington, Esq. a delegate for the county of Charlotte, reminded the Convention of the death of the honorable Peyton Randolph, Esq. the late worthy President, which made it necessary to appoint another, and did recommend Edmund Pendleton, Esq. as a gentleman in every respect qualified to fill that important office. He was seconded by James Mercer, Esq. a delegate for the county of Hampshire; and upon a question put, the said Edmund Pendleton was elected President and took the chair accordingly, from whence he made his acknowledgements for this distinguished mark of their favor, in calling him to an office of such honor and importance, as unfolicited as unmerited. He entreated their candour and assistance to enable him to discharge it with propriety, in which he promised every exertion of his small abilities.

A letter from Col. Woodford, of the second regiment, was laid before the Convention and read; representing the situation of the troops under his command, and of those under Lord Dunmore; that he had received an offer of assistance from the commanding-officer of the troops stationed in North Carolina, not far distant, which he had hitherto declined to call for, thinking the force he had at present sufficient, but that he would take his measure as circumstances should occur.

Resolved, That the President be required, in a letter to Col. Woodford, to be sent by express, to desire he will risk the success of his arms as little as possible, and, if there is not a moral probability of security with the troops he hath, he will embrace the offer of assistance from those of North Carolina, by sending immediately for them.

Resolved, That Mr. Joseph Prentis, who is elected a delegate to represent the city of Williamsburg, in the room and during the necessary absence of George Wythe, Esq. one of the delegates for this colony in General Congress, be admitted into this Convention as a delegate for the said city.

One of the first things the convention did was to reorganize the Committee of Safety by appointing Dudley Digges, John Page, Paul Carrington, Edmund Pendleton, James Mercer, Thomas Ludwell Lee, William Cabell, Richard Bland, Joseph Jones, John Tabb, and Thomas Walker.

In the reorganization George Mason and Carter Braxton were superseded by Joseph Jones and Thomas Walker. Dudley Digges, who was the seventh member

*Entered the convention as alternate for Richard Henry Lee (who was a deputy to the Continental Congress), but the convention refused to allow him to take his seat, he having accepted the office of sheriff for the county of Westmoreland. The President was ordered to issue his warrant for the election of a delegate in his stead. He resigned as sheriff and was returned to the convention January 1, 1776.

†In place of George Wythe during his absence.

of the committee, became the first, and Edmund Pendleton, who had been first, became the fourth member.

Excerpts from two declarations adopted by the convention on the 13th and 14th of December, respectively:

"Whereas Lord Dunmore, by his proclamation, dated on board the ship William, the 7th day of November, 1775, hath presumed, in direct violation of the constitution, and the laws of this country, to declare martial law in force, and to be executed throughout this colony, whereby our lives, our liberty, and property, are arbitrarily subjected to his power and direction; and whereas the said Lord Dunmore, assuming powers which the King himself cannot exercise, to intimidate the good people of this colony into a compliance with his arbitrary will, hath declared those who do not immediately repair to his standard, and submit in all things to a government not warranted by the constitution, to be in actual rebellion, and thereby to have incurred the penalties inflicted by the laws for such offences; and hath offered freedom to the servants and slaves of those he is pleased to term *rebels*, arming them against their masters, and destroying the peace and happiness of his majesty's good and faithful subjects, whose property is rendered insecure, and whose lives are exposed to the dangers of a general insurrection: We, as guardians of the lives and liberty of the people, our constituents, conceive it to be indispensibly our duty to protect them against every species of despotism, and to endeavour to remove those fears, with which they are so justly alarmed."

And again:

"His lordship is pleased to ascribe the unworthy part, he hath taken against this colony to a necessity arising from the conduct of its inhabitants, whom he hath considered in a *rebellious* state, but who know nothing of *rebellion* except the name. Ever zealous in support of tyranny, he hath broken the bonds of society, and trampled justice under his feet."

"Whereas Lord Dunmore, by his proclamation, dated on board the ship William, off Norfolk, the 7th day of November, 1775, hath offered freedom to such able-bodied slaves as are willing to join him, and take up arms, against the good people of this colony, giving thereby encouragement to a general insurrection, which may induce a necessity of inflicting the severest punishments upon those unhappy people, already deluded by his base and insidious arts; and whereas, by an act of the General Assembly now in force in this colony, it is enacted, that all negro or other slaves, conspiring to rebel or make insurrection, shall suffer death, and be excluded all benefit of clergy: We think it proper to declare, that all slaves who have been, or shall be seduced, by his lordships' proclamation, or other arts, to desert their masters' service, and take up arms against the inhabitants of this colony, shall be liable to such punishment as shall hereafter be directed by the General Convention. And to the end that all such, who have taken this unlawful and wicked step, may return in safety to their duty, and escape the punishment due to their crimes, we hereby promise pardon to them, they surrendering themselves to col. William Woodford, or any other commander of our troops, and not appearing in arms after the publication hereof. And we do farther earnestly recommend it to all humane and benevolent persons in this colony to explain and make known this our offer of mercy to those unfortunate people."

On the 15th of December Carter Braxton was elected a delegate to the General

Congress in place of Peyton Randolph, who died in Philadelphia September 22, 1775.

The convention adopted ordinances for raising additional forces for the defence and protection of the colony; for appointing sheriffs; for providing arms and ammunition; for reviving and amending the ordinance appointing the Committee of Safety; for establishing tobacco payments during the discontinuance of the inspection law; for regulating the election of delegates and ascertaining their allowances.

- On the 29th of December, the convention adopted a very diplomatic resolution, replying to Captain Bellew, of his Majesty's ship.

The resolution is as follows:

"The President laid before the Convention a letter from col. Howe, enclosing a letter from capt. Bellew, of his majesty's ship the Liverpool, desiring to be informed if he still persisted in his resolution to restrain his majesty's ships from supplies of provision, with his answer thereto; which being read, were referred to the committee on the state of the colony.

"The Convention then, according to the order of the day, resolved itself into the said committee; and after some time spent therein, Mr. President resumed the chair, and Mr. Cary reported, that the committee had, according to order, had under their consideration the state of the colony, and had come to the following resolution, which he read in his place, and afterwards delivered in at the clerk's table, where the same was again twice read, and agreed to.

"Resolved, That col. Howe be informed, in answer to his letter of the 25th, that this Convention are fully sensible of the hardships many innocent persons on board his majesty's ships may be exposed to, for want of regular supplies of fresh provisions, which we would not wish to withhold, unless compelled by the duty we owe to the country, loudly calling upon us to use every exertion for the defence of its inhabitants. That capt. Bellew, who probably is a stranger to us and our situation, should be informed, that this country hath ever, till of late, considered the officers and men of his majesty's navy as their friends, and have always had great pleasure in shewing them every mark of hospitality and civility; but many very recent and unwarrantable instances of the hostile behaviour of some of the navy, towards our inhabitants, justify us in suspicions we would not otherwise entertain. Who are the innocent and helpless whose blood capt. Bellew would not wish to shed, we cannot, from his expressions, determine; but they carry with them the strongest implication, that the effusion of the blood of some of our countrymen is the object of his voyage to this country. That the Convention have the warmest wishes to find themselves mistaken in these apprehensions; and if capt. Bellew can condescend to satisfy them, or col. Howe, that he is come to Virginia on a friendly errand, this Convention will take every opportunity of paying proper respect to a gentleman in his station, and use every means in their power to make his stay here as agreeable as possible; but that, if, on the contrary, capt. Bellew's design is to further the views of our enemies, and assist in prosecuting those unjustifiable and cruel measures already set on foot in this

country, he must excuse the inhabitants of Virginia if they totally decline contributing towards their own destruction."

On January 20, 1776, the convention "Adjourned till the second day of April next, then to meet in the city of Williamsburg, or such other place as may be appointed by the Committee of Safety."

If the convention met on the 2d of April there is no record of it, and no reference to any such meeting can be found in the *Virginia Gazette*. It is very probable that it was recalled by the Committee of Safety.

CONVENTION OF MAY 6, 1776.

This convention met in the city of Williamsburg on Monday, May 6, 1776, and "framed the first written constitution of a free State in the annals of the world."*

"THURSDAY, THE 7TH OF MARCH; 16, GEO. III. 1776.

"The House met according to the Adjournment; but no more than thirty-two Members appearing, which was not a sufficient number to proceed to business; The House adjourned till the first Monday in May next."†

"MONDAY, THE 6TH OF MAY; 16, GEO. III. 1776.

"Several Members met, but did neither proceed to Business, nor adjourn, as a House of Burgesses."‡

This was the last meeting ever attempted by the House of Burgesses.

The convention of July, 1775, passed an ordinance providing that there should be an election of delegates in the month of April of every year, and that the delegates so elected should meet annually in General Convention on the first Monday in May.‡

The *Virginia Gazette* of April 5, 1776, says: "The ordinance of Convention directs a meeting of the delegates on the first Monday in May, annually; and it is expected there will be a full meeting, as matters of the greatest importance are to come under immediate consideration. It may not be amiss to refer all concerned to the ordinance for the form and time of return."

The delegates were accordingly chosen in the month of April, "on the several days appointed by law for holding of the county or corporation courts, respectively, and at the places where such courts are accustomed to be held."

The delegates, as they are recorded in the Journal, are given below.

Edmund Pendleton was elected President and John Tazewell Clerk.

DELEGATES.

MET MAY 6, 1776. ADJOURNED JULY 5, 1776.

For Accomack, Southy Simpson and Isaac Smith, esquires.

Albemarle, Charles Lewis, esq; and George Gilmer, for Thomas Jefferson, esquire, elected to Congress.

Amelia, John Tabb and John Winn, esquires.

Augufta, Thomas Lewis and Samuel M'Dowell, esquires.

*Discourse before the Virginia Historical Society in 1852 by Prof. Washington. Quoted by Hugh Blair Grigsby in his discourse on the Virginia Convention of 1776, pages 25 and 26; and Grigsby adds, "And he has said truly."

†Journal of House of Burgesses.

‡Journal of the Convention.

West Augusta, John Harvie and Charles Simms, esquires.
 Amherst, William Cabell and Gabriel Penn, esquires.
 Bedford, John Talbot and Charles Lynch, esquires.
 Botetourt, John Bowyer and Patrick Lockhart, esquires.
 Brunswick, Frederick Maclin and Henry Tazewell, esquires.
 Buckingham, Charles Pattefon and John Cabell, esquires.
 Berkeley, Robert Rutherford and William Drew, esquires.
 Caroline, the Hon. Edmund Pendleton and James Taylor, esquires.
 Charles City, William Acrill, esquire; and Samuel Harwood, esquire, for
 Benjamin Harrifon, esquire.
 Charlotte, Paul Carrington and Thomas Read, esquires.
 Chesterfield, Archibald Cary and Benjamin Watkins, esquires.
 Culpeper, Henry Field and French Strother, esquires.
 Cumberland, John Mayo and William Fleming, esquires.
 Dinwiddie, John Banifter and Bolling Starke, esquires.
 Dunmore, Abraham Bird and John Tipton, esquires.
 Elizabeth City, Wilfon Miles Cary and Henry King, esquires.
 Effex, Meriwether Smith and James Edmondson, esquires.
 Fairfax, John West, jun. and George Mafon, esquires.
 Fauquier, Martin Pickett and James Scott, esquires.
 Frederick, James Wood and Ifaac Zane, esquires.
 Fincastle, Arthur Campbell and William Ruffell, esquires.
 Gloucester, Thomas Whiting and Lewis Burwell, esquires.
 Goochland, John Woodson and Thomas M. Randolph, esquires.
 Halifax, Nathaniel Terry and Micajah Watkins, esquires.
 Hampshire, James Mercer and Abraham Hite, esquires.
 Hanover, Patrick Henry and John Syme, esquires.
 Henrico, Nathaniel Wilkinfon and Richard Adams, esquires.
 James City, Robert C. Nicholas and William Norvell, esquires.
 Isle of Wight, John S. Wills and Charles Fulgham, esquires.
 King George, Joseph Jones and William Fitzhugh, esquires.
 King and Queen, George Brooke and William Lyne, esquires.
 King William, William Aylett and Richard Squire Taylor, esquires.
 Lancaster, James Selden and James Gordon, esquires.
 Loudoun, Francis Peyton and Josias Clapham, esquires.
 Louisa, George Meriwether and Thomas Johnson, esquires.
 Lunenburg, David Garland and Lodowick Farmer, esquires.
 Middlesex, Edmund Berkeley and James Montague, esquires.
 Mecklenburg, Joseph Speed and Bennett Goode, esquires.
 Nanfemond, Willis Riddick and William Cowper, esquires.
 New Kent, William Clayton and Bartholomew Dandridge, esquires.
 Norfolk, James Holt and Thomas Newton, esquires.
 Northumberland, Rodham Kenner and John Cralle, esquires.
 Northampton, Nathaniel L. Savage and George Savage, esquires.
 Orange, James Madison and William Moore, esquires.
 Pittsylvania, Benjamin Lankford and Robert Williams, esquires.
 Prince Edward, William Watts and William Booker, esquires.
 Prince George, Richard Bland and Peter Poythrefts, esquires.
 Princess Anne, William Robinson and John Thoroughgood, esquires.
 Prince William, Cuthbert Bullitt and Henry Lee, esquires.

Richmond, Hudfon Mufe and Charles M'Carty, efquires.
 Southampton, Edwin Gray and Henry Taylor, efquires.
 Spottfylvania, Mann Page and George Thornton, efquires.
 Stafford. Thomas Ludwell Lee and William Brent, efquires.
 Surry, Allen Cocke and Nicholas Faulcon, efquires.
 Suffex, David Mafon and Henry Gee, efquires.
 Warwick, William Harwood and Richard Cary, efquires.
 Weftmoreland, Richard Lee, efq; Richard Henry Lee, efq; and John A. Wafhington, efquire, for Richard Henry Lee, efquire.
 York, Dudley Digges, efq; Thomas Nelson, jun. efq; and William Digges, efquire.
 Jameftown, Champion Travis, efquire.
 Williamsburg, Edmund Randolph, efq; for George Wythe, efquire.
 Norfolk borough, William Rofcow Wilfon Curle, efquire.
 College of William and Mary, John Blair, efquire.

MONDAY, MAY 6, 1776.

(From Journal of the Convention.)

Richard Bland, efq; a delegate for the county of Prince George, reminded the Convention of the neceffity of proceeding to the choice of a prefident, and recommended Edmund Pendleton, efq; who had already executed that important truft, and had given undeniable proofs of his abilities and integrity. He was feconded by Archibald Cary, efq; a delegate for the county of Chefterfield. Thomas Johnfon, efq; a delegate for the county of Louifa, then recommended Thomas Ludwell Lee, efq; as a proper perfon to fill that office, and was feconded by Bartholomew Dandridge, efq; a delegate for the county of New Kent. And on the queftion being put by the clerk, the faid Edmund Pendleton was elected prefident, and conducted to the chair, from whence he addreffed himfelf to the Convention in the following manner:

Gentlemen,—Be pleaſed to accept my ſincere thanks for the honour done me in your election to this high and important office, which I eſteem the more, as it affords a publick teſtimony that my former endeavors for the proper difcharge of that truft have not been unacceptable to my country. I beg leave to aſſure you of my unremitted attention to the arduous duties of my appointment, which I will endeavour to execute with the utmoſt impartiality; and, conſcious of my want of abilities, I ſhall rely with confidence on your candour to make the moſt favourable interpretation of all my actions.

We are now met in General Convention according to the ordinance for our election, at a time truly critical, when ſubjects of the moſt important and intereſting nature require our ſerious attention.

The adminiſtration of juſtice, and almoſt all the powers of government, have now been ſuſpended for near two years. It will become us to reflect whether we can longer ſuſtain the great ſtruggle we are making in this ſituation; and the caſe of criminals confined and not tried, and others who may be apprehended purſuant to our laws, deſerves particular notice.

Our military and naval arrangements, as well as the funds for ſupporting them, will call for our reviſion; and the ordinance preſcribing a mode of puniſh-

ment for the enemies of America in this colony, being very defective, will require amendment.

There are some articles more immediately necessary for our people, particularly salt, which it may be wise to encourage the production and manufacture, either by increased bounties, or erecting public works, as shall be judged most effectual to that end.

Several resolutions of Congress, and letters from our delegates on these and other subjects, I am directed by the Committee of Safety to lay before you, together with several petitions they have received, on which it was not within their powers to determine.

In the discussion of these, and all other subjects which may come under our consideration, permit me to recommend calmness, unanimity, and diligence, as the most likely means of bringing them to a happy and prosperous issue.

On the 15th of May it was unanimously resolved: "That the delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time, and in the manner, as to them shall seem best: Provided, that the power of forming government for, and the regulations of the internal concerns of each colony, be left to the respective colonial legislatures."*

Charles Campbell† says that the Declaration of Rights was adopted on the 15th of June, but the proceedings of the convention‡ show that it was adopted on the 12th of June.

Thus the Declaration of Rights was adopted by the Colony of Virginia twenty-two days in advance of the Declaration of Independence of the United Colonies at Philadelphia. The plan of government for the Colony of Virginia was adopted on the 29th of June, five days before the Declaration of Independence.

On the 20th of June the convention proceeded, by ballot, to the election of delegates to represent the colony in General Congress, for one year, from the 11th of the succeeding August. George Wythe, Thomas Nelson, Richard Henry Lee, Thomas Jefferson, and Francis Lightfoot Lee were chosen.§

It will be noted that the number of delegates to Congress was reduced from seven to five.

Journal of the convention, June 29, 1776:

"Resolved, That the salary of the Governor of this Commonwealth be 1000*l* per annum.

"The Convention proceeded, by ballot, according to the order of the day, to the appointment of a Governor for this Commonwealth; and the members having pre-

*Journal of the Convention.

†Campbell's History of Virginia, p. 648.

‡Journal of the Convention, p. 42.

§Journal of the Convention, p. 58.

pared their tickets, and put the same into the ballot box, Mr. Wythe, Mr. Curle, Mr. Dandridge, and Mr. Madison, were appointed a committee to examine the same, and report upon whom the majority falls; and it appearing from their report, that the members stood as follows:

For Patrick Henry, Jun. Esq.	60
Thomas Nelson, Esq.	45
John Page, Esq.	1

"Resolved therefore, That the said Patrick Henry, Jun. Esq. be Governor of this Commonwealth, to continue in that office until the end of the succeeding session of Assembly after the last of March next; and that Mr. Mason, Mr. Henry Lee, Mr. Digges, Mr. Blair, and Mr. Dandridge, be a committee to wait upon him, and notify such appointment."

On the 1st of July Richard Henry Lee, George Mason, Mr. Treasurer, and George Wythe were appointed a committee to devise a proper seal for this Commonwealth.

On the 5th of July,

"Mr. George Mason, from the committee appointed to devise a proper seal for this commonwealth, reported, that the committee had accordingly prepared the following device thereof; which he read in his place, and afterwards delivered in at the clerk's table, where the same was again twice read, and agreed to.

"TO BE ENGRAVED ON THE GREAT SEAL.

"VIRTUS, the genius of the commonwealth, dressed like an Amazon, resting on a spear with one hand, and holding a sword in the other, and treading on TYRANNY, represented by a man prostrate, a crown fallen from his head, a broken chain in his left hand, and a scourge in his right.

"In the exergon, the word VIRGINIA over the head of VIRTUS: and underneath the words *Sic semper tyrannis*.

"On the reverse, a groupe.

"LIBERTAS, with her wand and *pileus*.

"On one side of her CERES, with the *cornucopia* in one hand, and an ear of wheat in the other.

"On the other side ÆTERNITAS, with the globe and phoenix.

"In the exergon, these words:

"Deus Nobis hæc otia fecit.

"Resolved, That George Wythe, and John Page, Esquires, be desired to superintend the engraving the said seal, and to take care that the same be properly executed."

On the 5th of July, 1776, the convention, by resolution,

"Adjourned till the first Monday in October next, then to meet in the city of Williamsburg; but, in case of necessity at such other place as the Governor, with the advice of the Privy Council, shall appoint."

William Wirt Henry, in his Life of Patrick Henry, says: "On October 7, 1776, the first Assembly under the new constitution met in Williamsburg, consisting of

a Senate elected by the people, and the members of the late Convention acting as a House of Delegates."

Mr. Henry is supported by the fact that the convention adjourned to meet on the 7th of October, 1776, at Williamsburg. And again, the *Virginia Gazette*, in publishing the events of the day, gives accounts of the election of senators, but nowhere is there any mention of the election of members to the House of Delegates.

It is indisputable that the delegates to the convention of May 6, 1776, without being re-elected, acted as the House of Delegates in the General Assembly which met October 7, 1776, in the first year of the Commonwealth.

The convention passed the following ordinances: A Declaration of Rights; the Constitution or Form of Government; prescribing the oaths of office; erecting salt works; enabling magistrates and officers to continue the administration of justice, and for settling the general mode of proceedings in criminal cases; arranging counties in districts, for electing senators, and ascertaining their wages; establishing a mode of punishment for the enemies of America in the colony; establishing a mode of making tobacco payments during the discontinuance of the inspection law; providing for the expense of the delegates to the General Congress; making it a felony to counterfeit continental paper currency; providing for the better defence of the frontiers of the colony; and establishing a Board of Commissioners to superintend and direct the naval affairs of the colony.

CONVENTION OF 1788.

This convention met in the State House in the city of Richmond, June 2, 1788, to ratify or reject the Constitution which had been recommended to the States by the Federal Convention on the 17th of September, 1787, at Philadelphia. The intense interest manifested in the question before the convention so crowded the State House that on the following day the convention met in the more commodious "new Academy on Shockoe Hill."

In accordance with resolutions adopted by the General Assembly on the 25th of October, 1787, the people met on their respective court days in March, 1788, and elected delegates to the convention.

On the 12th of December, 1787, the General Assembly adopted a resolution appropriating a sum not to exceed 8000£ for the use of the convention.*

The Hon. Edmund Pendleton was elected President and Mr. John Beckley Secretary.

DELEGATES.†

MET JUNE 2, 1788. ADJOURNED *sine die* JUNE 27, 1788.

Accomac—Edmund Custis and George Parker.
Albemarle—George Nicholas and Wilson Cary Nicholas.
Amelia—John Pride and Edmund Booker.
Amherst—William Cabell and Samuel Jordan Cabell.
Augusta—Zachariah Johnston and Archibald Stuart.
Bedford—John Trigg and Charles Clay.
Berkeley—William Darke and Adam Stephen.
Botetourt—William Fleming and Martin M'Ferran.
Bourbon—Henry Lee and Notlay Conn.
Brunswick—John Jones and Binns Jones.
Buckingham—Charles Patteson and David Bell.
Campbell—Robert Alexander and Edmund Winston.
Caroline—Hon. Edmund Pendleton and James Taylor.
Charlotte—Thomas Read and Hon. Paul Carrington.
Charles City—Benjamin Harrison and John Tyler.
Chesterfield—David Patteson and Stephen Pankey, Jr.
Cumberland—Joseph Michaux and Thomas H. Drew.
Culpeper—French Strother and Joel Early.
Dinwiddie—Joseph Jones and William Watkins.
Elizabeth City—Miles King and Worlich Westwood.
Essex—James Upshaw and Meriwether Smith.
Fairfax—David Stuart and Charles Simms.

*Henning's Statutes at Large, Vol. 12, p. 463.

†From the Journal of the Convention.

Fayette—Humphrey Marshall and John Fowler.
Fauquier—Martin Pickett and Humphrey Brooke.
Fluvanna—Samuel Richardson and Joseph Haden.
Frederick—John S. Woodcock and Alexander White.
Franklin—John Early and Thomas Arthur.
Gloucester—Warner Lewis and Thomas Smith.
Goochland—John Guerrant and William Sampson.
Greenbrier—George Clendinen and John Stuart.
Greensville—William Mason and Daniel Fisher.
Halifax—Isaac Coles and George Carrington.
Hampshire—Andrew Woodrow and Ralph Humphreys.
Hanover—Parke Goodall and John Carter Littlepage.
Harrison—George Jackson and John Prunty.
Hardy—Isaac Vanmeter and Abel Seymour.
Henrico—His Exc'y E. Randolph and John Marshall.
Henry—Thomas Cooper and John Marr.
Isle of Wight—Thomas Pierce and James Johnson.
James City—Nathaniel Burwell and Robert Andrews.
Jefferson—Robert Breckenridge and Rice Bullock.
King and Queen—William Fleet and John Roane.
King George—Burdet Ashton and William Thornton.
King William—Holt Richeson and Benjamin Temple.
Lancaster—James Gordon and Henry Towles.
Lincoln—John Logan and Henry Pawling.
Loudoun—Stephen T. Mason and Levin Powell.
Louisa—William Overton Callis and William White.
Lunenburg—Jonathan Patteson and Christopher Robertson.
Madison—John Miller and Green Clay.
Mecklenburg—Samuel Hopkins, Jr., and Richard Kennon.
Mercer—Thomas Allen and Alexander Robertson.
Middlesex—Ralph Wormeley, Jr., and Francis Corbin.
Monongalia—John Evans and William M'Clerry.
Montgomery—Walter Crockett and Abraham Trigg.
Nansemond—Willis Riddick and Solomon Shepherd.
New Kent—William Clayton and Burwell Bassett.
Nelson—Matthew Walton and John Steele.
Norfolk—James Webb and James Taylor.
Northampton—John Stringer and Littleton Eyre.
Northumberland—Walter Jones and Thomas Gaskins.
Ohio—Archibald Woods and Ebenezer Zane.
Orange—James Madison, Jr., and James Gordon.
Pittsylvania—Robert Williams and John Wilson.
Powhatan—William Ronald and Thomas Turpin, Jr.
Prince Edward—Patrick Henry and Robert Lawson.
Prince George—Theoderick Bland and Edmund Ruffin.
Prince William—William Grayson and Cuthbert Bullitt.
Princess Anne—Anthony Walke and Thomas Walke.
Randolph—Benjamin Wilson and John Wilson.
Richmond—Walker Tomlin and William Peachy.
Rockbridge—William M'Kee and Andrew Moore.

Rockingham—Thomas Lewis and Gabriel Jones.
 Russell—Thomas Carter and Henry Dickenson.
 Shenandoah—Jacob Rinker and John Williams.
 Southampton—Benjamin Blount and Samuel Kello.
 Spotsylvania—James Monroe and John Dawson.
 Stafford—George Mason and Andrew Buchanan.
 Surry—John Hartwell Cocke and John Allen.
 Sussex—John Howell Briggs and Thomas Edmunds.
 Warwick—Cole Digges and Richard Cary.
 Washington—Samuel Edmison and James Montgomery.
 Westmoreland—Henry Lee and Bushrod Washington.
 York—Hon. John Blair and Hon. George Wythe.
 Williamsburg—James Innes.
 Norfolk Borough—Thomas Mathews.

MONDAY, THE 2ND OF JUNE, 1788.

(From Journal of the Convention.)

This being the day recommended by the legislature for the meeting of the convention, to take into consideration the proposed plan of federal government, a majority of the gentlemen delegated thereto, assembled at the public buildings, in Richmond—whereupon they proceeded to the choice of a secretary, when John Beckley was appointed to that office.

The honorable Edmund Pendleton was nominated, and unanimously elected president; who being seated in the chair, thanked the convention for the honor conferred on him, and strongly recommended to the members to use the utmost moderation and temper in their deliberations on the great and important subject now before them.

The only question before the convention was whether Virginia should ratify the new Federal Constitution.

The opposition was led by Patrick Henry, and James Madison marshalled the forces for its ratification. Of this notable body of men William Wirt Henry says:

*“A very full house assembled at the Capitol buildings on the first day of the session. It was a grand assembly. Two delegates from each county and city, except Norfolk and Williamsburg, which had one each, gave a body of the imposing size of one hundred and seventy members, which contained all the most distinguished men of Virginia, except Washington, Jefferson, Richard Henry Lee, and Nelson. Jefferson was at the court of France, Lee was in Congress, Nelson was feeble and nearing his end, and Washington had determined he could best subserve the cause from Mount Vernon. As the eye wandered over the body, the spectator saw before him such a collection of men illustrious in the annals of their country, as was probably never under the same roof before. Edmund Pendleton, the venerable President of the Court of Appeals, George Wythe, the learned Chancellor, with Judges John Blair, Richard Carey, Paul Carrington, Joseph Jones, and John Tyler, represented the judiciary, and imparted their dig-

*William Wirt Henry's Life of Patrick Henry, Vol. II., p. 340.

nity to the body. Theodoric Bland, George Carrington, Samuel Jordan Cabell, George Clendinen, William Dark, William Fleming, William Grayson, James Innes, Robert Lawson, Henry Lee, of the Legion, Thomas Mathews, Stephens T. Mason, John Marshall, James Monroe, William McKee, Andrew Moore, George and Wilson Cary Nicholas, Thomas Read, Willis Riddick, John Steele, Adam Stephen, Archibald Stuart, John Stuart, Ebenezer Zane, and others, who had distinguished themselves fighting Indians and British upon almost every battle-field of the revolutionary period, represented the military which had shed such lustre upon their State. Edmund Randolph, the brilliant Governor of the State, ex-Governor Benjamin Harrison, a statesman of a high order, George Mason, the draftsman of the Virginia form of Government, James Madison, so largely the architect of the Constitution to be taken in consideration, and Patrick Henry, who had led Virginia during the Revolution, were statesmen who alone would have made any deliberative body illustrious."

On the 25th of June, 1788, this great battle of intellects was closed, and the Constitution was ratified by a vote of 89 to 79.

The convention proposed a series of amendments to the Constitution, many of which were subsequently engrafted on the instrument.

On the same day the following form of ratification was agreed to:

"His Excellency Governor Randolph reported, from the Committee appointed, according to order, a form of Ratification, which was read and agreed to by the convention, in the words following:

"Virginia, to wit:

"We, the Delegates of the people of Virginia, duly elected in pursuance of a recommendation from the general assembly, and now met in convention, having fully and freely investigated and discussed the proceedings of the Federal Convention, and being prepared as well as the most mature deliberation hath enabled us, to decide thereon, Do, in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the constitution, being derived from the people of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby remains with them and at their will: That therefore no right of any denomination, can be cancelled, abridged, restrained or modified, by the congress, by the Senate or House of Representatives acting in any capacity, by the president or any department or officer of the United States, except in those instances in which power is given by the constitution for those purposes: and that among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States."*

On the 26th of June it was ordered that the President should receive for his services forty shillings per day, including his daily pay as a member. The Secretary forty pounds, the chaplain thirty-two pounds, clerk of the Committee of Privileges and Elections twenty pounds, and the doorkeepers fifteen pounds each, for the session.

On the 27th of June, 1788, the convention adjourned *sine die*.

*Debates and Proceedings of the Convention, p. 469.

CONVENTION OF 1829-'30.

In pursuance to an act of the General Assembly, passed January 31, 1828, this convention assembled in Richmond on the 5th of October, 1829.

The question, "Shall there be a convention to amend the Constitution?" was voted on in April, 1828, at the same time the members of the General Assembly were elected. The act further provided that at the following May and June terms of the respective county and corporation courts, "to more fully ascertain the sense of the good people of this Commonwealth on this momentous question," the said polls should be opened to receive and record all legal voters who may offer themselves to vote on the question. The result was 21,896 for and 16,646* against a convention.

On the 10th of February, 1829, the General Assembly passed an act organizing the convention. Under this act the people met at their respective courthouses on the several court days of each county, city and borough and elected four members from each of the twenty-four senatorial districts to the convention. The act also provided that the Constitution should be submitted to the people for ratification or rejection.

Efforts had been made at various times for a convention to amend the Constitution of 1776, but without success. The people west of the Blue Ridge were in favor of a white basis of representation exclusively. The people east of the Blue Ridge favored the mixed or compound basis. The former wanted manhood suffrage, while the latter clung to the requirement then in vogue of freehold suffrage. This was the paramount issue before the convention.

James Monroe was elected President of the convention, but owing to ill-health resigned his seat in the convention on the 12th of December. On the same day Philip P. Barbour, of Orange, was elected President.

George W. Munford was elected Secretary, but on being re-elected Clerk of the House of Delegates, December 8th, he resigned as Secretary of the convention, and D. Briggs was elected Secretary in his place.

DELEGATES.

MET OCTOBER 5, 1829. ADJOURNED *sine die*, JANUARY 15, 1830.

First District—Amelia, Chesterfield, Cumberland, Nottoway, Powhatan, and Town of Petersburg: John W. Jones, Benjamin W. Leigh, Samuel Taylor, and William B. Giles.

Second District—Brunswick, Dinwiddie, Lunenburg, and Mecklenburg: William H. Brodnax, George C. Dromgoole, Mark Alexander, and William O. Goode.

Third District—Charles City, Elizabeth City, James City, Henrico, New Kent,

*Preface to debates of convention. Supplement to revised Code of 1819 says 16,637.

Warwick, York, and the cities of Richmond and Williamsburg: John Marshall, John Tyler, Philip N. Nicholas, and John B. Clopton.

Fourth District—Shenandoah and Rockingham: Peachy Harrison, Jacob Williamson, William Anderson, and Samuel Coffman.

Fifth District—Augusta, Rockbridge, and Pendleton: Briscoe G. Baldwin, Chapman Johnson, William M'Coy, and Samuel M'D. Moore.

Sixth District—Monroe, Greenbrier, Bath, Botetourt, Alleghany, Pocahontas, and Nicholas: Andrew Beirne, William Smith, Fleming B. Miller, and John Baxter.

Seventh District—Sussex, Surry, Southampton, Isle of Wight, Prince George, and Greenville: John Y. Mason, James Trezvant, Augustine Claiborne, and John Urquhart.

Eighth District—Charlotte, Halifax, and Prince Edward: John Randolph, William Leigh, Richard Logan, and Richard N. Venable.

Ninth District—Spotsylvania, Louisa, Orange, and Madison: James Madison, Philip P. Barbour, David Watson, and Robert Stanard.

Tenth District—Loudoun and Fairfax: James Monroe, Charles Fenton Mercer, William H. Fitzhugh, and Richard H. Henderson.

Eleventh District—Frederick and Jefferson: John R. Cooke, Alfred H. Powell, Hierome L. Opie, and Thomas Griggs, Jr.

Twelfth District—Hampshire, Hardy, Berkeley, and Morgan: William Naylor, William Donaldson, Elisha Boyd, and Philip C. Pendleton.

Thirteenth District—Washington, Lee, Scott, Russell, and Tazewell: John B. George, Andrew M'Millan, Edward Campbell, and William Byars.

Fourteenth District—King William, King and Queen, Essex, Caroline, and Hanover: John Roane, William P. Taylor, Richard Morris, and James M. Garnett.

Fifteenth District—Wythe, Montgomery, Grayson, and Giles: Gordon Cloyd, Henley Chapman, John P. Mathews, and William Oglesby.

Sixteenth District—Kanawha, Mason, Cabell, Randolph, Harrison, Lewis, Wood, and Logan: Edwin S. Duncan, John Laidley, Lewis Summers, and Adam See.

Seventeenth District—Ohio, Tyler, Brooke, Monongalia, and Preston: Charles S. Morgan, Philip Doddridge, Alexander Campbell, and Eugenius M. Wilson.

Eighteenth District—Fauquier and Culpeper: John S. Barbour, John Scott, John Macrae, and John W. Green.

Nineteenth District—Norfolk, Princess Anne, Nansemond, and Borough of Norfolk: Littleton W. Tazewell, Joseph Prentis, Robert B. Taylor, and George Loyall.

Twentieth District—Campbell, Buckingham, and Bedford: William Campbell, Samuel Claytor, Callohill Mennis, and James Saunders.

Twenty-first District—Franklin, Patrick, Henry, and Pittsylvania: George Townes, Benjamin W. S. Cabell, Joseph Martin, and Archibald Stuart, Jr.

Twenty-second District—Albemarle, Amherst, Nelson, Fluvanna, and Goochland: James Pleasants, William F. Gordon, Lucas P. Thompson, and Thomas Massie, Jr.

Twenty-third District—King George, Westmoreland, Lancaster, Northumberland, Richmond, Stafford, and Prince William: William A. G. Dade, Ellyson Currie, John Taliaferro, and Fleming Bates.

Twenty-fourth District—Matthews, Middlesex, Accomac, Northampton, and Gloucester: Thomas R. Joynes, Thomas M. Bayly, Calvin H. Read, and Abel P. Upshur.

NOTE.—David Watson resigned without attending and Waller Holladay was chosen in his place. Ellyson Currie died before the convention met, and Augustine Neale was chosen in his place. Calvin H. Read died October 6, 1829, and William K. Perrin was chosen in his place. William Y. Dade resigned without attending and Alexander Rose was chosen in his place. Robert B. Taylor resigned and Hugh Blair was chosen in his place. John Taliaferro resigned and Judge John Coalter was chosen in his place. On December 12th James Monroe resigned the presidency and his membership in the convention, and Philip P. Barbour was elected President. Joshua Osborne was chosen a member in Mr. Monroe's place. Hierome L. Opie resigned and James M. Mason was chosen in his place. John Macrae resigned and Thomas Marshall was chosen in his place. Callohill Mennis resigned and Samuel Branch was chosen in his place. In case of vacancies in the convention, the remaining members from the district in which vacancy occurred filled the vacancy.

MONDAY, OCTOBER 5, 1829.

(From Journal of the Convention.)

Mr. James Madison nominated James Monroe, Esq., as President to the Convention, who was accordingly unanimously elected. The President was thereupon conducted to the chair by Mr. Madison and Mr. Marshall, and delivered the following address:

Having served my country from very early life in all its highest trusts and most difficult emergencies, from the most important of which trusts I have lately retired, I cannot otherwise than feel, with great sensibility, this proof of the high confidence of this very enlightened and respectable assembly. It was my earnest hope and desire that a very distinguished citizen and friend, who has preceded me in several of these high trusts, and who had a just claim to that precedence, should have taken this station, and I deeply regret the considerations which have induced him to decline it. The proofs of his very important services, and the purity of his life, will go down to our latest posterity; and his example, aided by that of others, whom I need not mention, will give a strong prop to our free system of government. I regret my appointment from another consideration, a fear that I shall not be able to discharge the duties of the trust with advantage to my country. I have never before held such a station, and am ignorant of the rules of the House. I have also been afflicted of late with infirmity, which still exists to a degree to form a serious obstacle. Being placed however here, I will exert my best faculties, physical and mental, such as they are, at every hazard, to discharge its duties to the satisfaction of this assembly and of my country.

This assembly is called for the most important object. It is to amend our Constitution, and thereby give a new support to our system of free republican government. Our Constitution was the first that was formed in this Union, and it has been in operation since. We had at this period the examples only of the ancient republics before us; we have now the experience of more than half a century of this our own Constitution and of those of all our sister States. If it has defects, as I think it has, experience will have pointed them out, and the ability and integrity of this enlightened body will recommend such alterations as it deems proper to our constituents, in whom the power of adopting or rejecting them is exclusively vested.

All other republics have failed. Those of Rome and Greece exist only in history.

In the territories which they ruled, we see the ruins of ancient buildings only: the governments have perished and the inhabitants exhibit a state of decrepitude and wretchedness which is frightful to those who visit them.

On the subject of order, and the method of proceeding, I need say nothing to this assembly. The importance of the call, and the manner of election, give ample assurance that no danger need be apprehended on that subject. Our fellow-citizens in the elections they have made, have looked to the great cause at issue and selected those whom they thought most competent to its duties. They have not devoted themselves to individuals, but have regarded principle, and sought to secure it. In this I see strong ground to confide in the safety and success of our system. It inspires me with equal confidence that the result of your labors will correspond with their most sanguine hopes.

On the 24th of October, the Committee on the Legislative Department of the Government reported a series of twelve resolutions, the first being as follows: "Resolved, That in the apportionment of representation in the House of Delegates, regard should be had to the white population exclusively." Mr. Green, of Culpeper, moved to strike out the word "exclusively" and insert in lieu thereof the words, "and taxation combined."

On the 31st, Mr. Scott, of Fauquier, proposed to amend the resolution as amended by Mr. Green, so that it would read as follows: "Resolved, That in the apportionment of representation in the House of Delegates, regard should be had to the white population and taxation combined, and in the Senate to white population exclusively."

One of the greatest debates, of which there is any record, followed on the resolution as amended. On the 27th, Judge Abel P. Upshur, of Northampton, opened the debate in favor of the resolution as amended by Mr. Green. Philip Doddridge, of Brooke, followed in opposition to the amendment—favoring the original resolution. After the question had been debated three weeks, Mr. Leigh, of Chesterfield, proposed a substitute to the effect that representation in the House of Delegates should be apportioned on what was called the *Federal number*, consisting of the free whites, together with three-fifths of the slaves. This was rejected by a vote of 49 to 47, a victory for the advocates of the white basis. Subsequently both the Green and Scott amendments were rejected.

The main question was not voted on until the 20th of December. In the mean time there was a reversion of sentiment, and the original resolution was rejected by a vote of 48 to 48. On the same day the convention by a vote of 55 to 41 adopted the following as a compromise:

"Resolved, That the representation in the Senate and House of Delegates of Virginia, shall be apportioned as follows:

"There shall be thirteen Senators west of the Blue Ridge Mountains, and nineteen east of those Mountains.

"There shall be in the House of Delegates one hundred and twenty-seven members, of whom twenty-nine shall be elected from the district west of the Alleghany Mountains; twenty-four from the Valley between the Alleghany and Blue Ridge; forty from the Blue Ridge to the head of tide-water, and thirty-four thence below."

General Robert B. Taylor's letter of resignation, given below, will be of interest, on account of the patriotic sentiments expressed therein and also as indicating the tension of public feeling on the questions at issue.

*SATURDAY, NOVEMBER 7, 1829.

The President laid before the convention a letter from Robert B. Taylor, Esq., which was read as follows:

SIR,

Many of my constituents, have instructed me to support the proposed plan of apportioning representation, with regard to white population, and taxation combined; and I have reason to believe, that a large majority of the people of my district concur in the desire, expressed in those instructions.

It is due to myself to prevent all misconception of my official conduct. I was elected to this body, with the full knowledge of my constituents, that I favored reforms in the existing Constitution. I came here untrammelled by instructions; and restrained by no pledges. I am unfortunate, indeed, in this, that my opinions do not harmonize with those of my constituents; but I have disappointed no expectation; violated no engagement; betrayed no trust.

Having always believed, and maintained, that the value of representative government mainly depends on the principle, that representation is only a mean, whereby the deliberate will of the constituent body is to be expressed and effectuated, no act of mine shall ever impair the principle. Had my constituents instructed me, on some matter of mere expediency, or required me to perform anything, which was possible, it would have afforded me pleasure to testify, with how cheerful a submission, I would give effect to their opinions, rather than my own. But they ask what is impossible: They require me to violate my conscience, and the sentiments of filial devotion, which I owe to my country.

Believing, (as I conscientiously do,) that the measure I am instructed to support, is hostile to free institutions; destructive of equality of right among our citizens; and introductive of a principle, that a minority, on account of superior wealth, shall rule the majority of the qualified voters of the State, I should be guilty of moral treason against the liberty of my native land, if I allowed myself to be the instrument by which this mischief is effected. In this state of mind, by executing the wishes of my constituents, I should justly subject myself to their reproaches, for my baseness; and to the more insufferable reproaches of my own conscience.

One mode only remains to reconcile my duties to my constituents, to the higher and more sacred duties I owe to myself, and my country: It is to resign the office, which they conferred upon me; and thereby to enable my colleagues to select a successor, who, more fortunate than I am, may give effect to their wishes, without violating any sentiment of private or public duty.

Allow me to ask, that this letter may have a place on your Journal. Forgive the feeling, which prompts this request. If any eye shall hereafter read my humble name, I wish, that the same page, which records my retirement from your service, may also record the motives (mistaken perhaps, but not unworthy) which occasioned it.

I leave the Convention, Sir, with sentiments of profound respect, and veneration for the virtue and talent, which ennoble, and adorn it. My heart will still

*Journal of the Convention, p. 49.

attend your councils; and I shall not cease to supplicate the Almighty, that He may so inspire and direct them, that Virginia may be regenerated, united, free and happy.

I have the honor to be,
Your obedient servant,

ROBERT B. TAYLOR.

JAMES MONROE, Esq.,
President of the Convention.

Subsequently, the members from the district of Loudoun and Fairfax tendered Robert B. Taylor* a seat in the convention made vacant by the retirement of James Monroe, but he declined the offer.

The question of suffrage was the next of importance in this convention, and quite as much time was given to its consideration as was given to the basis of representation.

The convention of 1776 provided in the first Constitution that "the right of suffrage in the election of members for both Houses, shall remain as exercised at present," by which only freeholders could exercise the right of suffrage.

The convention of 1829-'30 did not change the right of suffrage accorded the freeholders by the convention of 1776, but it extended the right of suffrage to reversioners and remaindermen of freehold estates and leaseholders for a term of not less than five years of an annual value of twenty dollars; "and every such citizen,† who for twelve months next preceding has been a house-keeper and head of a family within the county, city, town, borough or election district where he may offer to vote, and shall have been assessed with a part of the revenue of the Commonwealth within the preceding year, and actually paid the same—and no other persons—shall be qualified to vote for members of the General Assembly in the county, city, town or borough, respectively, wherein such land shall lie, or such house-keeper and head of a family shall live."

Section 15 of Article III.: "In all elections in this Commonwealth, to any office or place of trust, honour or profit, the votes shall be given openly, or *viva voce*, and not by ballot."

The convention, after making less important changes in all of the articles of the Constitution of 1776, adjourned *sine die* on the 15th of January, 1830.

The Constitution framed by this convention was submitted to the people for their approval or disapproval at the April elections following, when 26,055 votes were cast for the Constitution and 15,563 votes cast against it. The people west of the Blue Ridge were opposed to the Constitution, not having secured the white basis of representation, and these counties cast 6,110 votes for the Constitution and 13,337 against it.

The General Assembly met on December 6, 1830, to put the new Constitution into effect, and remained in session until April 19, 1831.

*From the Norfolk district.

†White male citizen aged 21 years and upward.

CONVENTION OF 1850-'51.

The convention of 1850-'51 assembled at the Capitol, in the city of Richmond, on Monday, October 14, 1850.

In pursuance to an act of the General Assembly, passed March 4, 1850, the people of the State, in the month of April ensuing, voted on the question: "Shall there be a convention to amend the Constitution of this Commonwealth?" The election resulted in a large majority in favor of a convention. Delegates were elected to the convention on the fourth Thursday in August.

When the convention convened, John Y. Mason was elected President and Stephen D. Whittle Clerk.

DELEGATES.

MET OCTOBER 14, 1850. ADJOURNED *sine die*, AUGUST 1, 1851.

District of Accomac and Northampton—Louis C. H. Finney and Henry A. Wise.

District of Norfolk City, Norfolk County, and Princess Anne—Samuel Watts, John Petty, Arthur R. Smith, Tazewell Taylor, and John Tunis.

District of Southampton, Nansemond, Isle of Wight, Sussex, Surry, and Greensville—Robert Ridley, John R. Chambliss, John Y. Mason, and A. S. H. Burgess.

District of Petersburg, Chesterfield, and Prince George—James H. Cox, Thomas Wallace, Timothy Rives, and James A. Jones.

District of Richmond City, Henrico, New Kent, and Charles City—Robert G. Scott, John A. Meredith, John M. Botts, James Lyons, Robert C. Stanard, and Hector Davis.

District of Williamsburg, James City, Gloucester, Warwick, York, and Elizabeth City—Lemuel J. Bowden and Robert McCandlish.

District of Essex, King and Queen, Middlesex, and Mathews—Muscoe R. H. Garnett, James Smith, and Muscoe Garnett.

District of Caroline, Spotsylvania, King William, and Hanover—Francis W. Scott, Corbin Braxton, Eustace Conway, Beverley B. Douglas, and Edward W. Morris.

District of Richmond, Westmoreland, King George, Lancaster, and Northumberland—Richard L. T. Beale, Samuel L. Straughan, and Addison Hall.

District of Prince William, Alexandria, Fairfax, and Stafford—Daniel Jasper,* William L. Edwards, Edgar Snowden, and Ira Williams.

District of Henry, Franklin, and Patrick—William Martin, Nat. C. Claiborne, and Archibald Stuart.

District of Halifax, Pittsylvania, and Mecklenburg—William M. Tredway, John R. Edmunds, James M. Whittle, William O. Goode, Edward R. Chambers, and George W. Purkins.

*Elected to fill vacancy caused by resignation of R. C. L. Moncure.

District of Prince Edward, Charlotte, and Appomattox—Willis P. Bocock, Branch J. Worsham, and Thomas H. Flood.

District of Lunenburg, Brunswick, Nottoway, and Dinwiddie—John E. Shell, Robert D. Turnbull, and James L. Scoggin.

District of Cumberland, Amelia, Powhatan, and Buckingham—John Hill, Joseph Fuqua, and Henry L. Hopkins.

District of Campbell and Bedford—Charles H. Lynch, Gustavus A. Wingfield, Lewis C. Arthur and James Saunders.

District of Nelson, Amherst, and Albemarle—Samuel M. Garland, V. W. Southall, Thomas J. Randolph, and Littleberry N. Ligon.

District of Goochland, Fluvanna, and Louisa—Walter D. Leake, Drury W. K. Bowles, and Richard I. Cocke.

District of Culpeper, Greene, Madison, and Orange.—James Barbour, Robert A. Banks, and John Woolfolk.

District of Loudoun—John A. Carter, John Janney, and Robert J. T. White.

District of Fauquier and Rappahannock—Robert E. Scott, James F. Strother, and Samuel Chilton.

District of Botetourt, Roanoke, Alleghany, and Bath—Fleming B. Miller, John T. Anderson, and William Watts.

District of Augusta, Rockbridge, and Highland—John Letcher, David E. Moore, Hugh W. Sheffey, Adam Stephenson, Jr., and David Fultz.

District of Rockingham, Pendleton, and Page—John Kenney, George E. Deneale, A. M. Newman, and John Lionberger.

District of Shenandoah, Hardy, and Warren—Mark Bird†, William Seymour, Giles Cook, and Samuel C. Williams.

District of Jefferson, Berkeley, and Clarke—Charles James Faulkner, William Lucas, Dennis Murphy, and Andrew Hunter.

District of Frederick, Hampshire, and Morgan—James E. Stewart, Thomas Sloan, Richard E. Byrd, and Charles Blue.

District of Brooke, Ohio, Hancock, and Marshall—Jefferson T. Martin, Zachariah Jacob, John Knote, and Thomas M. Gally.

District of Doddridge, Wetzel, Harrison, Tyler, Wood, and Richie—Joseph Johnson, John F. Snodgrass, Gideon D. Camden, and P. G. Van Winkle.

District of Marion, Preston, Monongalia, and Taylor—William G. Brown, Edward J. Armstrong, Waitman T. Willey, and James Neeson.

District of Randolph, Lewis, Barbour, Gilmer, Braxton, Wirt, and Jackson—Samuel L. Hays, Joseph Smith, John S. Carlile, and Thomas Bland.

District of Cabell, Mason, Putnam, Wayne, Boone, Wyoming, and Logan—Elisha W. McComas, Henry J. Fisher, and James H. Ferguson.

District of Greenbrier, Pocahontas, Fayette, Raleigh, Nicholas, and Kanawha—George W. Summers, Samuel Price, William Smith, and Benjamin H. Smith.

District of Carroll, Grayson, Floyd, Montgomery, and Pulaski—Daniel H. Hoge, Samuel McCamant, and Benjamin F. Wysor.

District of Mercer, Giles, Tazewell, and Monroe—Augustus A. Chapman, Allen T. Caperton, and Albert G. Pendleton.

District of Smyth, Wythe, and Washington—Benjamin Rush Floyd, Connally Trigg‡, and Thomas M. Tate.

†Elected to fill vacancy caused by resignation of Green B. Samuels.

‡Elected to fill vacancy caused by resignation of George W. Hopkins.

District of Scott, Russell, and Lee—Samuel V. Fulkerson, Hiram Kilgore, and Dale Carter.

MONDAY, OCTOBER 14, 1850.

(From Journal of the Convention.)

John Y. Mason, Esq., was then declared to be elected president. He was conducted to the chair by Messrs. Johnston and Stuart, and delivered the following address:

"Gentlemen:—Most unexpectedly to myself, those generous constituents, whose unabated confidence I had the happiness to enjoy during a service of more than twenty years, have required my services as one of their representatives in this body; and to them and to you, for the distinguished honor which you have now conferred on me, my grateful thanks are due.

"Virginia was the first of the American States to frame a written Constitution or form of Government; thus taking the first great step in those free institutions for securing civil liberty, which may be denominated the American System.

"Whatever opinions may be entertained in relation to the subordinate provisions of the organic law then adopted, every son of Virginia may regard, with pride and admiration, the wisdom of our fathers in their great principle of a division and separation of the powers of Government into three great departments, the Legislative, Executive and Judicial—an elementary principle, adopted in all the subsequent Constitutions of her sister States, which is essential to their happy and successful operation.

"More than seventy years have passed away since Virginia became an organized and independent State, and this is the second occasion on which her people have resorted to their sovereign power, of revising and altering her supreme law. Upon us this momentous duty is now devolved.

"The object of the organic law is to secure to the people their inalienable rights, 'the enjoyment of life and liberty, with the means of acquiring and possessing property, and obtaining happiness and safety.' In its nature it is permanent, not subject to modification, repeal or amendment, by any agents employed in the ordinary machinery of government. And, in its controlling influence, it possesses the mighty attribute of distributing political power, of prescribing the right of suffrage, of authorizing or establishing the legislative, executive and judicial authorities, and of fixing the orbits within which they may respectively move in the execution of the functions of government.

"Whether we contemplate our duties in reference to the magnitude of the subjects which must engage our deliberations, or, to their influence on the dearest interests of our constituents, or reflect on the necessity of wisdom, prudence, and foresight, in coming to our conclusions, all must concur, that our responsibilities are as great as can be devolved by a free people on their political agents.

"I feel happy that these momentous duties are to be performed here in this hall, where, from the first, order, decorum and dignity have prevailed, and commanded the admiration of all spectators. When I look around at this assemblage, I feel assured that the proceedings of this convention will be characterized by the same gratifying proofs of propriety.

"In discussing the great questions which will come before us, it is to be expected, that conflict of opinion will arise: and excited debate is the natural result

of diversified interests; but may I not invoke a spirit of conciliation, mutual respect, and forbearance? May I not entreat, that we will remember, that patriotism knows no sections, and that we are sons of one common mother, and, animated by fraternal affection, so conduct our deliberations as to promote, by the results of our labors, the quiet, the happiness, the honor and glory of Virginia?

"Although I have had some experience in the different departments of the government, it is now many years since I was connected with a deliberative assembly. I appreciate too highly the responsibilities of the station to which your kindness has called me, not to be aware that I will require much indulgence at your hands. I have, however, the consolation to know, that my deficiencies will be readily supplied by the large experience and high talent of those by whom I am surrounded."

The convention made many changes in the Constitution adopted by the convention of 1829-'30, but by far the most important change made was the qualification of voters, which is as follows: "Every white male citizen of the commonwealth, of the age of twenty-one years, who has been a resident of the state for two years, and of the county, city or town where he offers to vote for twelve months next preceding an election—and no other person—shall be qualified to vote for members of the General Assembly and all officers elective by the people."

The people were permitted to elect the Governor, who prior to that time was elected by the General Assembly.

Again: "In all elections votes shall be given openly, or *viva voce*, and not by ballot; but dumb persons entitled to suffrage may vote by ballot."

On the 30th of July, the convention adopted the Constitution by a vote of 75 to 33. The Constitution was ratified by the people on the 23d, 24th, and 25th of October, 1851, by a vote of 75,748 to 11,060.

On the first day of August, 1851, the convention adjourned *sine die*.

CONVENTION OF 1861.

South Carolina had met in convention at Charleston on the 20th of December and passed her ordinance of secession. Other States had called conventions with the same end in view. Governor Letcher, knowing that Virginia was not adequately equipped for such a conflict, convened the General Assembly on the 7th of January, 1861.

On the 14th of January, 1861, the General Assembly of Virginia passed an act, in accordance with which act the convention of 1861 met in the city of Richmond on the 13th of February following. The delegates to this convention were elected on the 4th of February, 1861.

John Janney was elected President and John L. Eubank Secretary.

DELEGATES.

MET FEBRUARY 13, 1861. ADJOURNED *sine die*, DECEMBER 6, 1861.

Accomac—William H. B. Custis.‡
Albemarle—Valentine W. Southall* and James P. Holcombe.*
Alexandria—George W. Brent.‡
Alleghany and Bath—Thomas Sitlington.‡
Amelia and Nottoway—Lewis E. Harvie.*
Amherst—Samuel M. Garland.*
Appomattox—Lewis D. Isbell.*
Augusta—A. H. H. Stuart,‡ John B. Baldwin,‡ and George Baylor.‡
Barbour—Samuel Woods.*
Bedford—William L. Goggin* and John Goode, Jr.*
Berkeley—Edmund Pendleton‡ and Allen C. Hammond.‡
Botetourt and Craig—Fleming B. Miller* and William W. Boyd.*
Braxton, Nicholas, Clay, and Webster—Benjamin W. Byrne.‡
Brooke—Campbell Tarr.‡
Brunswick—James B. Mallory.*
Buckingham—William W. Forbes.*
Cabell—William McComas.‡
Campbell—John M. Speed* and Charles R. Slaughter.*
Caroline—Edmund T. Morris.*
Carroll—F. L. Hale.*
Charles City, James City, and New Kent—John Tyler.*
Charlotte—Wood Bouldin.*
Chesterfield—James H. Cox.*
Clarke—Hugh M. Nelson.‡
Culpeper—James Barbour.*
Cumberland and Powhatan—William C. Scott.*
Dinwiddie—James Boisseau.*

Doddridge and Tyler—C. J. Stuart.†
 Elizabeth City, Warwick, York, and Williamsburg—Charles K. Mallory.*
 Essex and King and Queen—Richard H. Cox.*
 Fairfax—William H. Dulany.†
 Fauquier—Robert E. Scott* and John Q. Marr.
 Fayette and Raleigh—Henry L. Gillespie.*
 Fluvanna—James M. Strange.*
 Franklin—Jubal A. Early† and Peter Saunders, Sr.
 Floyd—Harvey Deskins.*
 Frederick—Robert Y. Conrad† and James Marshall.†
 Giles—Manilius Chapman.*
 Gloucester—John T. Seawell.*
 Gilmer, Wirt, and Calhoun—C. B. Conrad.†
 Goochland—Walter D. Leake.*
 Grayson—William C. Parks.*
 Greene and Orange—Jeremiah Morton.*
 Greenbrier—Samuel Price.†
 Greenville and Sussex—J. R. Chambliss.*
 Halifax—Thomas S. Flournoy* and James C. Bruce.*
 Hampshire—Edward M. Armstrong† and David Pugh.†
 Hancock—George McC. Porter.†
 Hanover—George W. Richardson.*
 Hardy—Thomas Maslin.
 Harrison—John S. Carlile† and Benjamin Wilson.
 Henrico—Williams C. Wickham.†
 Henry—Peyton Gravely.†
 Highland—George W. Hull.†
 Isle of Wight—Robert H. Whitfield.*
 Jackson and Roane—Franklin P. Turner.*
 Jefferson—Alfred M. Barbour and Logan Osburn.†
 Kanawha—George W. Summers† and Spicer Patrick.†
 King George and Stafford—Edward Waller.*
 King William—Fendall Gregory, Jr.*
 Lancaster and Northumberland—Addison Hall.
 Lee—John D. Sharp.†
 Lee and Scott—Peter C. Johnston.*
 Lewis—Caleb Boggess.†
 Logan, Boone, and Wyoming—James Lawson.*
 Loudoun—†John Janney† and John A. Carter.†
 Louisa—William M. Ambler.*
 Lunenburg—W. J. Neblett.*
 Madison—Angus R. Blakey.*
 Marion—Alpheus F. Haymond† and Ephraim B. Hall.†
 Marshall—James Burley.†
 Mason—James H. Couch.†
 Matthews and Middlesex—§Robert L. Montague.*

†Resignation as President of the Convention presented on November 14, 1861.

§Elected President of the Convention in place of John Janney, resigned, November 16, 1861.

Mecklenburg—Thomas F. Goode.*
 Mercer—Napoleon B. French.*
 Monongalia—Waitman T. Willey‡ and Marshall M. Dent.‡
 Monroe—Allen T. Caperton* and John Echols.*
 Montgomery—William Ballard Preston.*
 Morgan—Johnson Orrick.*
 Nansemond—John R. Kilby.
 Nelson—Frederick M. Cabell.*
 Norfolk City—George Blow, Jr.*
 Norfolk County—William White‡ and J. G. Holladay.‡
 Northampton—Miers W. Asher.*
 Ohio—Sherrard Clemens‡ and Chester D. Hubbard.‡
 Page—Peter B. Borst.*
 Patrick—Samuel G. Staples.*
 Pendleton—Henry H. Masters.‡
 Pocahontas—Paul McNeil.
 Petersburg—Thomas Branch.*
 Pittsylvania—William T. Sutherlin* and William M. Tredway.*
 Pleasants and Ritchie—Cyrus Hall.*
 Preston—William G. Brown‡ and James C. McGrew.‡
 Prince Edward—John T. Thornton.*
 Prince William—Eppa Hunton.*
 Princess Anne—Henry A. Wise.*
 Prince George and Surry—Timothy Rives.*
 Pulaski—Benjamin F. Wysor.*
 Putnam—James W. Hoge.‡
 Randolph and Tucker—John N. Hughes.*
 Rappahannock—Horatio G. Moffett.*
 Richmond City—William H. Macfarland,* Marmaduke Johnson,* and George
 W. Randolph.*
 Richmond County and Westmoreland—John Critcher.*
 Roanoke—George P. Tayloe.*
 Rockbridge—Samuel McD. Moore‡ and James B. Dorman.*
 Rockingham—Samuel A. Coffman,* John F. Lewis,‡ and Algernon S. Gray.‡
 Russell and Wise—William B. Aston.*
 Scott—Colbert C. Fugate.‡
 Shenandoah—Samuel C. Williams* and Raphael M. Conn.*
 Smyth—James W. Sheffey.*
 Southampton—John J. Kindred.*
 Spotsylvania—John L. Marye, Sr.*
 Taylor—John S. Burdett.‡
 Tazewell—William P. Cecil* and Samuel L. Graham.*
 Upshur—George W. Berlin.‡
 Warren—Robert H. Turner.*
 Washington—Robert E. Grant and John A. Campbell.*
 Wayne—Burwell Spurlock.‡

Wetzel—Leonard S. Hall.*

Wood—John J. Jackson.†

Wythe—Robert C. Kent.*

*Voted for the ordinance of secession, April 17, 1861.

†Voted against the ordinance of secession, April 17, 1861.

NOTE.—Mr. Wilson, on his own motion, was excused from voting.

NOTE.—Subsequently, Messrs. Kilby, Marr, Grant, Addison Hall, and Alfred M. Barbour were granted leave to record their votes in the affirmative on the ordinance of secession; and Messrs. Wickham, Gray, I mond, Berlin, Nelson, Baylor, and Hammond were granted leave to change their votes from the negative to the affirmative.

WEDNESDAY, FEBRUARY 13, 1861.

(*From Journal of the Convention.*)

The President, John Janney, being conducted to his seat, addressed the convention as follows:

Gentlemen of the Convention,—I tender you my sincere and cordial thanks, for the honor you have conferred upon me, by calling me to preside over the deliberations of the most important Convention that has been assembled in this State since the year 1776.

I am without experience in the performance of the duties to which you have assigned me, with but little knowledge of parliamentary law and the rules which are to govern our proceedings, and I have nothing to promise you but fidelity and impartiality. Errors I know I shall commit, but these will be excused by your kindness, and promptly corrected by your wisdom.

Gentlemen, it is now almost seventy-three years since a Convention of the people of Virginia was assembled in this hall to ratify the Constitution of the United States, one of the chief objects of which was to consolidate, not the Government, but the Union of the States. Causes which have passed, and are daily passing, into history, which will set its seal upon them, but which I do not mean to review, have brought the Constitution and the Union into imminent peril, and Virginia has come to the rescue. It is what the whole country expected of her. Her pride as well as her patriotism—her interest as well as her honor, called upon her with an emphasis which she could not disregard, to save the monuments of her own glory. Her honored son who sleeps at Mount Vernon, the political Mecca of all future ages, presided over the body which framed the Constitution; and another of her honored sons, whose brow was adorned with a civic wreath which will never fade, and who now reposes in Orange county, was its principal architect and one of its ablest expounders, and, in the administration of the government, five of her citizens have been elected to the chief magistracy of the Republic. It cannot be that a government thus founded and administered can fail, without the hazard of bringing reproach, either upon the wisdom of our fathers, or upon the intelligence, patriotism, and virtue of their descendants.

It is not my purpose to indicate the course which this body will probably pursue, or the measures it may be proper to adopt. The opinions of to-day may all

be changed to-morrow. Events are thronging upon us, and we must deal with them as they present themselves.

Gentlemen, there is a flag which for nearly a century has been borne in triumph through the battle and the breeze, and which now floats over this Capitol, on which there is a star representing this ancient Commonwealth, and my earnest prayer, in which I know every member of this body will cordially unite, is that it may remain there forever, provided always that its lustre is untarnished. We demand for our own citizens perfect equality of rights with those of the empire States of New York, Pennsylvania, and Ohio, but we ask for nothing that we will not cheerfully concede to those of Delaware and Rhode Island.

The amount of responsibility which rests upon this body cannot be exaggerated. When my constituents asked me if I would consent to serve them here if elected, I answered in the affirmative, but I did so with fear and trembling. The people of Virginia have, it is true, reserved to themselves, in a certain contingency, the right to review our action, but still the measures which we adopt may be fraught with good or evil to the whole country.

Is it too much to hope that we, and others who are engaged in the work of peace and conciliation, may so solve the problems which now perplex us, as to win back our sisters of the South, who, for what they deem sufficient cause, have wandered from their old orbits? May we not expect that our old sister, Massachusetts, will retrace her steps? Will she not follow the noble example of Rhode Island, the little State with a heart large enough for a whole continent? Will she not, when she remembers who it was who first drew his sword from the scabbard on her own soil at Cambridge, and never finally returned it, until her liberty and independence were achieved, and whence he came, repeal her obnoxious laws, which many of her own wisest and best citizens regard as a stain upon her legislative records?

Gentlemen, this is no party Convention. It is our duty on an occasion like this to elevate ourselves into an atmosphere, in which party passion and prejudice cannot exist—to conduct all our deliberations with calmness and wisdom, and to maintain, with inflexible firmness, whatever position we may find it necessary to assume.

The most important committee of the convention was that of Federal Relations. The report of this committee was first considered in committee of the whole on the 15th of March.

On the 18th of February the convention heard the Hon. Fulton Anderson, a commissioner from Mississippi; also the Hon. H. L. Benning, from Georgia; and on the day following Hon. John S. Preston, commissioner from South Carolina, made an eloquent appeal before the convention, imploring Virginia to stand by her Southern sisters.

The Journal of March 8th contains this interesting correspondence between Hon. John Goode and General Jubal A. Early. Owing to the prominence of the participants, and as the affair was discreditable to neither, it is reproduced here:

RICHMOND, March 6, 1861.

American Hotel, 46.

SIR,—After your remarks in the Convention to-day, in which you undertook to comment on what you supposed to be my position heretofore, and the position

which I had taken in the remarks I had just submitted to the Convention, and after you had referred to some letters you had received from my county, indicating a change in the sentiments of my constituents—when I obtained the floor, I made use of the following remarks, which I repeat almost *verbatim* :

“The gentleman from Bedford, whose impatience is so great, whose steam has been up so high, that he has not been content with the opportunities afforded him on this floor to let it off, but has taken one or more occasions to let off some of it in the streets; has thought proper to step between my constituents and myself, and informs this Convention and the country that he has received letters from my home, showing a great change in the sentiments of my constituents, and that they are very impatient at the delay which I have been favoring. Now, I presume the gentleman has not undertaken to give this information to the Convention and the country unless he is willing to give up his authority for the statement, and I call upon him for it.”

You asked at this point if I wished an answer then, to which I replied that I did. In a very excited manner you proceeded to comment on the remarks I had made, and said, as near as I can recollect—“When the gentleman from Franklin says that I have sought opportunities to let off steam in the streets, he makes a statement which is utterly without foundation,” or, “which has no foundation in fact.” I do not recollect exactly the precise expression, but this is the substance. You coupled your remarks with the declaration that you held yourself responsible to me for what you had said, either on the floor or elsewhere. This renders it necessary for me to enquire of you whether, in what you did say, you meant to convey the idea that I had stated a falsehood or been guilty of a misrepresentation? I also enquire if you intended the expression that you held yourself responsible to me on the floor or elsewhere, in an offensive sense?

Your obedient servant,

J. A. EARLY.

This note will be handed to you by my friend Thos. James Deane, Esq.

J. A. EARLY.

JOHN GOODE, JR., ESQ.

EXCHANGE HOTEL, March 7, 1861.

SIR,—Your note of yesterday was handed to me at a late hour in the afternoon by your friend, Thomas James Deane, and I take the earliest opportunity allowed me to reply.

In the remarks submitted by you to the Convention, on yesterday, I understood you to say, in substance, that I had not been content with the opportunities afforded me on that floor to let off steam (as you chose to characterize my speeches,) but that I had *sought* opportunities to let it off in the streets, &c. So understanding you, I replied that such a statement was wholly without foundation in fact—and that I had addressed no people in this city until *they* had *sought* me at my lodgings and *called* for me in a manner which I could not decline obeying. From your remarks, as cited by you in your note and the report of the same in the *Enquirer*, of this morning, I find that I misapprehended your language, and that you did not say, as I then understood you to say, that I had “*sought* opportunities,” &c. I was thus led to say, that the statement made by you (as I understood it) was without foundation in fact. It is but just for me to add, that I did not design to impute to you falsehood or wilful misrepresentation, but sim-

ply to deny the truth of your statement, as I understood it at the time. My remark, "that I hold myself responsible for what I say here or elsewhere," was intended to declare my purpose to vindicate my personal and representative rights whenever, wherever, however, and by whomsoever assailed, and was not *intended* to be offensive to yourself or to any other person.

Your obedient servant,

JOHN GOODE, JR.

This note will be handed you by my friend, E. C. Burks, Esq.

JOHN GOODE, JR.

MAJ. J. A. EARLY.

RICHMOND, March 7, 1861.

SIR,—Your note of this morning was handed to me by your friend, Mr. E. C. Burks, immediately after the adjournment of the Convention to-day, and in reply thereto, I will say, that understanding you to disclaim any intention on your part to impute to me falsehood or wilful misrepresentation in what you said in the Convention on yesterday, and also to disclaim any purpose of being personally offensive to me in the expression you used as specified in my note of yesterday, I have no hesitation in declaring that I did not intend to be personally offensive to you in the remarks I made which led to your response—my sole purpose being to indicate my sense of the precipitancy with which I thought you were disposed to act in contradistinction to the disposition to delay which you imputed to me.

I think I may add that there was nothing in our previous intercourse, to produce the impression that I had a different purpose, and I was pained to perceive the evident misapprehension under which you labored at the time. I am sorry to hear of the indisposition under which you labor.

Very respectfully, your obedient servant,

J. A. EARLY.

JOHN GOODE, JR., ESQ.

On the 4th of April Mr. Harvie moved the following resolution:*

"Resolved, That an ordinance resuming the powers delegated by Virginia to the Federal Government, and provision for submitting the same to the qualified voters of the Commonwealth for their adoption or rejection at the polls in the spring elections in May next, should be adopted by this Convention." The resolution was rejected by a vote of 90 to 45.

On April 8th the following resolution was adopted:*

"Whereas, in the opinion of this Convention, the uncertainty which prevails in the public mind as to the policy which the Federal Executive intends to pursue toward the seceded States is extremely injurious to the industrial and commercial interests of the country; tends to keep up an excitement which is unfavorable to the adjustment of pending difficulties, and threatens a disturbance of the public peace; therefore,

"Resolved, That a committee of three delegates be appointed by this Convention to wait upon the President of the United States, present to him this preamble and resolution, and respectfully ask of him to communicate to this Convention

*Journal of Convention.

the policy which the Federal Executive intends to pursue in regard to the Confederate States."

The Convention elected William Ballard Preston, Alexander H. H. Stuart, and George W. Randolph to serve on the said committee.

This committee, according to instructions, called upon President Lincoln on April 12th, but the President gave them no hope of a reconciliation, and they so reported to the convention on April 15, 1865. President Lincoln's reply will be found in Doc. XVII. of the Convention.

Fort Sumter was bombarded on April 12, 1861, and on the 15th President Lincoln called for 75,000 troops.

Notwithstanding the convention had voted down a proposed ordinance of secession on the 4th of April by a vote of 90 to 45, on the 17th of April the ordinance of secession was adopted by a vote of 88 to 55.*

In accordance with an ordinance adopted by the convention, creating an Advisory Council, the Governor appointed Judge John Allen and Colonel F. H. Smith on the 20th of April and Captain M. F. Maury on the 21st and General Thomas Haymond on the 30th, all of whom were promptly confirmed. On the 19th of June an ordinance was adopted repealing the ordinance creating the Advisory Council.

On the 18th of April the President, in accordance with a resolution adopted on that date, appointed Messrs. Scott of Powhatan, Early, Johnston, Blow, Randolph, Echols, and Hunton on the Committee on Military Affairs.

Governor Letcher, on the 22d of April, nominated Colonel Robert E. Lee to the office of commander of the military and naval forces of the State of Virginia, with the rank of major-general. In communicating the appointment to the convention, Governor Letcher said: "Talent, experience and devotion to the interests of Virginia, fit him in an eminent degree for the exalted position he is nominated to fill."

The convention passed resolutions inviting Robert E. Lee to attend the convention the next day at 12 o'clock. The Governor and Advisory Council and the Hon. Alexander H. Stephens, Vice-President of the Confederate States, were also invited to be present at the hour named.

JOURNAL OF CONVENTION PROCEEDINGS, APRIL 23, 1861.

Mr. Johnson† then introduced Judge Allen, a member of the Advisory Council.

Mr. Critcher next introduced Colonel Smith, of the Virginia Military Institute.

At this stage of the proceedings, the Hon. A. H. Stephens, Vice-President of the Confederate States, entered the Hall, accompanied by the Governor, and was introduced to the President by Mr. Johnston,‡ a member of the committee appointed to invite and conduct that gentleman to the Hall.

Mr. Morton introduced Capt. M. F. Maury, late of the United States navy, who with Col. Smith, constitute the other members of the Advisory Council.

Every delegate was on his feet during this ceremony.

*George W. Munford's Historical Synopsis in the Code of 1873 says the vote was 81 to 51. The Journal of the Convention records it 88 to 55.

†Marmaduke Johnson, of Richmond city.

Peter C. Johnston, of Lee and Scott.

The Governor and Mr. Stephens were assigned seats on the right of the President, and the three members of the Advisory Council on the left.

At this time, Major General Lee entered, leaning on the arm of Mr. Johnson, of Richmond, chairman of the committee appointed to conduct the distinguished military chief to the Hall. As they reached the main aisle, Mr. Johnson said: Mr. President, I have the honor to present to you and to the Convention, Major General Lee.

The President—Major General Lee—In the name of the people of your native State, here represented, I bid you a cordial and heartfelt welcome to this Hall, in which we may almost yet hear the echo of the voices of the statesmen, the soldiers and sages of by-gone days, who have borne your name, and whose blood now flows in your veins.

We met in the month of February last, charged with the solemn duty of protecting the rights, the honor and the interests of the people of this Commonwealth. We differed for a time as to the best means of accomplishing that object; but there never was, at any moment, a shade of difference among us as to the great object itself; and now, Virginia having taken her position, as far as the power of this Convention extends, we stand animated by one impulse, governed by one desire and one determination, and that is that *she shall be defended*; and that no spot of her soil shall be polluted by the foot of an invader.

When the necessity became apparent of having a leader for our forces, all hearts and all eyes, by the impulse of an instinct which is a surer guide than reason itself, turned to the old county of Westmoreland. We knew how prolific she had been in other days, of heroes and statesmen. We knew she had given birth to the Father of his Country; to Richard Henry Lee, to Monroe, and last, though not least, to your own gallant father, and we knew well, by your own deeds, that her productive power was not yet exhausted.

Sir, we watched with the most profound and intense interest the triumphal march of the army led by General Scott, to which you were attached, from Vera Cruz to the Capital of Mexico; we read of the sanguinary conflicts and the blood-stained fields, in all of which victory perched upon our own banners; we knew of the unfading lustre that was shed upon the American arms by that campaign; and we know, also, what your modesty has always disclaimed, that no small share of the glory of those achievements was due to your valor and your military genius.

Sir, one of the proudest recollections of my life will be the honor that I yesterday had of submitting to this body the confirmation of the nomination made by the Governor of this State, of you as Commander-in-Chief of the military and naval forces of this Commonwealth. I rose to put the question, and when I asked if this body would advise and consent to that appointment, there rushed from the hearts to the tongues of all the members, an affirmative response that told, with an emphasis that could leave no doubt of the feeling whence it emanated. I put the negative of the question for form sake, but there was an unbroken silence.

Sir, we have, by this unanimous vote expressed our convictions that you are, at this day, among the living citizens of Virginia, "first in war." We pray to God most fervently that you may so conduct the operations committed to your charge, that it will soon be said of you, that you are "first in peace," and when that time

comes you will have earned the still prouder distinction of being "first in the hearts of your countrymen."

I will close with one remark.

When the Father of his Country made his last will and testament, he gave his swords to his favorite nephews with an injunction that they should never be drawn from their scabbards, except in self-defence or in defence of the rights and liberties of their country, and, that if drawn for the latter purpose, they should fall with them in their hands, rather than relinquish them.

Yesterday, your mother, Virginia, placed her sword in your hand upon the implied condition that we know you will keep to the letter and in spirit, that you will draw it only in her defence, and that you will fall with it in your hand rather than the object for which it was placed there, shall fail. (Applause.)

Major General Lee responded as follows:

Mr. President and Gentlemen of the Convention,—Profoundly impressed with the solemnity of the occasion, for which I must say I was not prepared, I accept the position assigned me by your partiality. I would have much preferred had your choice fallen on an abler man. Trusting in Almighty God, an approving conscience, and the aid of my fellow-citizens, I devote myself to the service of my native State, in whose behalf alone, will I ever again draw my sword. (Applause.)

The chair was then vacated, and some time was spent in the introduction of delegates to Major General Lee, and the tender to him of congratulations by the members.

Upon resuming the chair, the President formally introduced Vice-President Stephens, Special Commissioner from the Confederate States of America, who addressed the Convention.

On the 25th of April, Mr. Sheffey submitted the following ordinance, which was adopted by a vote of 80 to 16:

"Be it ordained by this Convention entered into on the 24th April, 1861, between Alexander H. Stephens, Commissioner of the Confederate States, and John Tyler, William Ballard Preston, Sam'l McD. Moore, James P. Holcombe, James C. Bruce, and Lewis E. Harvie, Commissioners of Virginia, for a temporary union of Virginia with said Confederate States under the Provisional Government adopted by said Confederate States, be, and the same is hereby ratified and confirmed on the terms agreed upon by said Commissioners."

On the 26th of April the convention adopted an ordinance striking out the 22d and 23d sections of the 4th article of the existing Constitution, and substituting therefor the following: "Taxation shall be equal and uniform throughout the Commonwealth, and all property shall be taxed in proportion to its value, which shall be ascertained in such manner as may be prescribed by law; but any property may be exempted from taxation by the vote of a majority of the whole number of members elected to each House of the General Assembly."

The above ordinance and the ordinance of secession were submitted to the citizens and soldiers in the army of the State on the fourth Thursday in May, 1861, for their ratification or rejection. Both were ratified by large majorities. One authority puts the majority in favor of the ordinance of secession at 105,577; another fixes it at 96,750.

On the 29th of April, 1861, the convention elected "five delegates to the Pro-

visional Congress." Those selected were: R. M. T. Hunter, William C. Rives, John W. Brockenborough, Waller R. Staples, and Gideon D. Camden. Mr. Camden subsequently resigned.

On June 21st the convention adopted a resolution providing for the division of the State into thirteen districts for representatives and for the selection of two representatives-at-large, one to be chosen from east of the Blue Ridge, the other from the west of the mountain. The four members chosen on the 29th of April (Mr. Camden, the fifth then chosen, having resigned) were selected to represent the districts in which they resided, thus leaving two representatives-at-large and nine from the new districts to be chosen. The balloting for the selection of the two congressmen-at-large resulted in the choice of William Ballard Preston from the west and James A. Seddon, of Goochland, from the east divisions of the State.

The following representatives were then elected by the convention for the districts not already having representatives: John Tyler, W. H. Macfarland, Roger A. Pryor, Thomas S. Bocock, Robert E. Scott, James M. Mason, C. W. Russell (chosen to succeed Gideon D. Camden, elected April 29th, but who had resigned his seat), Robert Johnson, Walter Preston. On November 19th Alexander R. Boteler was elected to succeed James M. Mason, resigned.

On May 1st the President laid before the convention communications from the Executive of the Commonwealth, submitting the following nominations of officers for confirmation:

Walter Gwynn, Brigadier-General of Volunteers.
 Joseph E. Johnston, Brigadier-General Provisional Army.
 Philip St. George Cocke, Colonel of Volunteers.
 Daniel Ruggles, Colonel of Volunteers.
 John B. Magruder, Colonel Provisional Army.
 James F. Preston, Colonel Provisional Army.
 Robert S. Garnett, (Colonel) Adjutant-General.
 John B. Baldwin, (Colonel) Inspector-General.
 William Gilham, Colonel.
 Charles Bell Gibson, (Colonel) Surgeon-General.
 James W. Allen, Colonel of Volunteers.
 Kenton Harper, Colonel of Volunteers.
 C. Q. Tompkins, Colonel of Volunteers.

All of the above nominations were respectively confirmed.

On May 1, 1861, the convention adjourned to meet on the 12th of June.

The convention reassembled on the 12th of June, according to adjournment. On the 14th of June the delegates proceeded to sign the ordinance of secession. When the name of Jubal A. Early, who was opposed to and had voted against the ordinance of secession, was called he asked and was granted leave to have the following printed in the Journal:

"Abraham Lincoln, President of the United States, having set aside the Constitution and laws, and subverted the government of the said United States, and established in lieu thereof an usurped government founded upon the worst principles of tyranny, the undersigned has therefore determined to sign the Ordinance of Secession adopted by this Convention on the 17th day of April last, with the intention of sustaining the liberties, independence and unity of the State of Virginia against the said Abraham Lincoln, his aiders and abettors,

and with no hope or desire for a reconstruction of the old Union in any manner that shall unite the people of Virginia with the people of the non-slaveholding States of the north.

(Signed) "JUBAL A. EARLY."

On June 15, 1861, the following nominations as colonels were confirmed:

Jubal A. Early, James L. Kemper, Eppa Hunton, R. E. Colston, P. T. Moore, George W. Richardson, William W. Gordon, Roger A. Pryor, Arthur C. Cummings, Robert T. Preston, Samuel Garland, Jr., Richard C. W. Radford, Wm. T. Willey, D. A. Weisiger, A. P. Hill, J. G. Hodges, J. B. Gibbons, Thomas P. August, Charles A. Crump, M. D. Corse, and J. W. Ware.

On the 17th of June the nominations as colonels of the following were confirmed: R. E. Withers, J. M. Brockenbrough, Charles Smith, Samuel V. Fulker-son, E. C. Edmunds, R. Milton Cary, John R. Chambliss, Jr., R. M. Conn, William C. Scott, and A. C. Moore. On the same day the appointments of Colonel Thomas T. Fauntleroy, as Brigadier-General of Provisional Army, and Colonel Benjamin Huger, Brigadier-General of Volunteers, were confirmed.

On the 19th of June the convention adopted, by a vote of 92 to 0, "An Ordinance for the adoption of the Constitution of the Provisional Government of the Confederate States of America."

The nominations of the following as colonels of volunteers were confirmed: Jesse S. Burks and A. T. Bledsoe, June 20th; Alfred Beckley, June 26th; Benj. S. Ewell, John A. Campbell, and William Smith, June 27th; F. I. Thomas, June 28th, and Richard Thomas Zarvona, July 1st.

On the 26th of June Mr. Goode, of Bedford, moved the following resolution:

"Resolved by this Convention, That the President of the Confederate States, and the constituted authorities of the Confederacy be, and they are hereby cordially and respectfully invited, whenever in their opinion, the public interest or convenience may require it, to make the city of Richmond or some other place in this State, the seat of the Government of the Confederacy."

The resolution was adopted on the 27th by a vote of 76 to 16. John Janney, Robert Y. Conrad, Jubal A. Early, John F. Lewis, Alex. H. H. Stuart, and W. C. Wickham were among those who voted in the negative.

On the 27th of April the President laid before the convention a communication from the Executive of the Commonwealth (John Letcher), nominating Major Thomas J. Jackson (afterwards the famous General "Stonewall" Jackson) colonel of volunteers. On motion of Mr. Goode, of Bedford, the nomination was unanimously confirmed.

On July 1, 1861, the convention took a recess until the 13th of November.

Immediately after the passage of the ordinance of secession most of the members west of the Alleghany mountains retired from the convention, but the Journal does not record that any of them resigned.

On the 13th of May, before the ordinance of secession was ratified by the people, a convention assembled at Wheeling. The delegates to this convention were not elected in the regular way. They were appointed by meetings which, as

a rule, did not compose a majority of the voters. The call for this convention was not sent to the secession districts of the State. The Committee on Credentials reported delegates from 26 out of a total of 140 counties.

The convention declared that the passage of the ordinance of secession at Richmond was a usurpation of power; that the citizens of the State should vote against said ordinance; that the people should vote for members of Congress, and recommended the appointment of delegates on the 4th of June, 1861, to a general convention, to be held on the 11th of the same month. The convention met in Washington Hall, Wheeling, June 11, 1861. Thirty-six counties were represented in the convention.

On the 17th of June the convention adopted a "Declaration of the People of Virginia," demanding a reorganization of the State government, and declaring all acts of the Richmond convention tending to separate the Commonwealth from the United States null and void, and that the offices of all who endorse said acts of the convention, "whether legislative, executive or judicial, are vacated."

On the 19th of June the convention passed an ordinance for the reorganization of the state government, and directed that the Legislature of the State should assemble at Wheeling on the first of July following. This ordinance empowered the convention to appoint a Governor, Lieutenant-Governor, Attorney-General, and a Council of five members. It also prescribed an oath to be subscribed to by the members of the Legislature which was to meet July 1, 1861.

The convention, on the 20th of June, elected Francis H. Pierpont Governor and Daniel Polsley Lieutenant-Governor. A few days later the convention elected an Attorney-General and a Council.

On the 21st an ordinance was passed directing the Legislature to elect a Treasurer and a Secretary of State for the Commonwealth.

The convention then adjourned to the first Tuesday in August ensuing.

The first General Assembly, in conformity to the Wheeling convention, met at Wheeling on the 1st of July, 1861. On the 9th of July the Legislature elected John S. Carlile and Waitman T. Willey to represent Virginia in the United States Senate. These senators and three members of Congress elected in May were recognized by the Federal Congress, and were allowed to take their seats as the representatives of Virginia.

Under a proclamation issued by Governor Pierpont judges were elected by the people for the several circuits to fill vacancies created by the incumbents participating in, aiding, or abetting the rebellion, or failing to take the oath.

The convention, according to adjournment, reconvened at Wheeling on the 6th of August, and on the 9th passed an ordinance declaring the proceedings of the Richmond convention null and void, and likewise all acts and proceedings of the General Assembly of Virginia, which convened at Richmond at its several sessions, were declared illegal, null, and void.

On the 20th of August, 1861, the convention passed an ordinance to provide for the formation of a new State out of the northwest territory of Virginia. The Governor was to proclaim the result of the vote for a new State on or before October 15, 1861. On August 21 the convention adjourned, subject to the call of the Governor or president of the convention, provided that such call was made by the first Thursday of January, 1862, otherwise to be considered adjourned *sine die*. The total vote on the question of forming a new State was less than 20,000, but less than 1,000 of these were cast against the new State

movement. At the same election delegates were elected to a convention to meet at Wheeling, November 26, 1861, to frame a new Constitution. The convention accordingly met, framed a Constitution in which the name "Kanawha," adopted by a former convention, was changed to "West Virginia."

On the 18th of February, 1862, the convention adjourned.

The new Constitution was submitted to the people for their ratification or rejection on the 3d of August, 1862, and again less than 20,000 votes were polled, but a large majority were cast in favor of the Constitution.

Congress, on the 31st of December, passed an act giving its assent to the admission of West Virginia into the Union on condition that the following clause be first stricken from its Constitution: "No slave shall be brought, or free person of color be permitted to come, into this State for permanent residence," and that the following should be inserted in lieu thereof: "The children of slaves born within the limits of this State after the fourth day of July, 1863, shall be free; and all slaves within this State who shall at the time aforesaid be under the age of ten years shall be free when they arrive at the age of 21 years; and all slaves over ten and under 21 years shall be free when they arrive at the age of 25 years; and no slave shall be permitted to come into the State for permanent residence therein."

The convention reassembled at Wheeling on the 12th of February, 1863, amended the Constitution as above required, and adjourned on the 20th of the same month. The Constitution as amended was submitted to the people for ratification, and adopted by about 17,000 majority out of a total vote of less than 20,000, after which, on the 19th of April, 1863, President Lincoln issued his proclamation declaring that at the expiration of sixty days thereafter the new State of West Virginia would be admitted as one of the States of the Union.

According to adjournment, the convention which adjourned at Richmond on the 27th of June reconvened at the same place on November 13, 1861.

The convention, by resolution, proceeded to amend the Constitution of Virginia as framed by the convention of 1850-'51. On the 5th of December the convention adopted a new Constitution for Virginia.

On the 6th of December the convention confirmed the following nominations for colonels submitted by the Governor:

J. E. B. Stuart, John B. Baldwin, Beverly H. Robertson, John McCausland, Francis H. Smith, Robert C. Trigg, Wm. H. Harman, George W. Randolph, Charles W. Field, Francis Mallory, S. H. Reynolds, William D. Stuart, William R. Terry, Lewis A. Armstead, Edmund Goode, William E. Jones, John Echols, Harrison B. Tomlin, Armstead T. M. Rust, and Dabney H. Maury.

On the same day, in response to a resolution of thanks for his impartial and dignified conduct while presiding over the deliberations of the convention, ex-President John Janney said in part: "To have presided over such a body of gentlemen, is a distinction of which any man might well be proud. I shall cherish the recollection of it to the latest hour of my life. Gentlemen, the clouds are lowering, the tempest is brewing all around us; the forked lightning is seen, and the muttering thunder is heard in the distance. By the blessing of Providence upon the arms of our brave defenders, the storm may yet be averted; but, if not, and it shall burst with fury upon us, don't turn your backs to it—turn

your faces. Don't give up the ship, and never despair of the Republic; all will yet be well, if each one of you will adopt for his motto, with the change of a single word, the last signal of England's greatest naval hero: 'The South expects every man to do his duty.'"

There were a great many resignations of members during the sessions of the convention, some of whom resigned to enlist in the service of the Confederate army.

Capt. John Quincy Marr, of Fauquier, commanding the "Warrenton Rifles," was killed in battle at Fairfax C. H., June 1, 1861, and James V. Brooke was elected in his place.

Valentine W. Southall's death was announced on the floor of the convention November 18, and Thomas J. Randolph was elected to succeed him.

E. R. Chambers was elected in place of Thomas F. Goode, resigned.

Richard H. Lee was elected in place of Alfred M. Barbour, resigned; Muscoe R. H. Garnett in place of Richard Cox, resigned; John N. Hendren in place of John B. Baldwin, resigned; John B. Young in place of Williams C. Wickham, resigned; W. G. Brawner in place of Eppa Hunton, resigned, and Jacob W. Marshall in place of J. N. Hughes, killed in battle on Rich Mountain, July 11, 1861.

On the 28th of June William G. Brown was expelled from the convention, and on the following day James Burley, John S. Burdett, John S. Carlile, Marshall M. Dent, Ephraim B. Hall, Chester D. Hubbard, John J. Jackson,* Jas. C. McGrew, George McC. Porter, Chapman Stuart, and Campbell Tarr were expelled from the convention.

Subsequently, Joseph H. Pendleton, of Ohio; Joseph D. Pickett, of Brooke; Jefferson T. Martin, of Marshall; Stephen A. Morgan, of Marion; John M. Heck, of Monongalia; Robert E. Cowan, and C. J. P. Cresap, of Preston; John A. Robinson, of Taylor; William P. Cooper, of Harrison, and Edward D. McGuire, of Wood, were elected by the convention in place of some of those expelled from the body.

On the 16th of November Col. John Echols, of Monroe, who had entered the Confederate service in the spring previous, resigned his seat in the convention, and on the same day Waitman T. Willey, of Monongalia, was expelled. On the 19th Jeremiah Morton, of Orange and Greene, resigned.

It does not appear from the Journal of the convention that every vacancy was filled.

On the 6th of December, Hon. R. L. Montague,† of Middlesex, who was elected President of the Convention, November 16, 1861, to succeed Hon. John Janney, resigned, before announcing the adjournment of the convention, made the following response to the resolution of thanks submitted by Mr. Price:

*Appointed Circuit Judge of the United States District of West Virginia, August 3, 1861, by President Lincoln, which position he still retains, at present presiding over the Northern District of West Virginia.

The Journal of the convention contains the following resolution, adopted June 29, 1861:

"Resolved, That the commission of John J. Jackson as Brigadier General of the Militia of Virginia, be and the same is vacated and annulled."

†Popularly known as "The Red Fox of Middlesex," and father of Hon. A. J. Montague, present Governor of the State.

Gentlemen of the Convention:—I have propounded to you the last question; I have taken the last vote; and I assure you that the emotions which now fill my bosom are of no ordinary character.

A public man cannot receive, and ought not to desire, any higher reward than the approbation of those whom he serves. That approbation, by the resolution which you have so kindly adopted, you have generously expressed, and for that I return you my sincere and unaffected thanks. That, gentlemen, will be to me one of the proudest incidents of my life, and one to which I shall ever recur with the most pleasing and grateful recollections.

Gentlemen, you have performed a great work. No body of men that ever assembled in this Commonwealth, or perhaps on this continent, have gone through similar revolutions and accomplished a task of the same magnitude that you have. You have dissolved one government, and upon its crumbling ruins you have erected another on a surer, a stronger, and, I pray God, a more enduring basis. When the sound of war was heard at a distance, without preparation, without organization—when you saw that all the energies and resources of a once powerful government were to be used for the destruction of the institutions of the South and the subversion of the sovereignty of our sister States—without waiting to argue the question, but, remembering that you were Virginians, remembering the cherished principles which characterized Virginia's history, and which, in fact, were the offspring of Virginia's own great sages and patriots—you rushed to the rescue, and turned the bloody tide of war upon the pure bosom of your own blessed mother. History will record the act as amongst the most noble, disinterested and patriotic that ever distinguished a brave and generous people. Generation after generation will sing your praises and pronounce your memories blessed. It is an act whose merit will enhance with every passing year, and the high estimate of which will increase as the blessed fruits of that great revolution develop themselves in the growth, wealth and power of the nation thus called into being.

Having accomplished this great work, you adjourned, and again reassembled to revise and reform the Constitution of your own State; and this you have done nobly and well. With a wisdom and patriotism which seem peculiarly characteristic of revolutionary eras, you have chosen to engraft upon the Constitution of Virginia many of those noble principles which made glorious the memories of those who first founded them. Truly can we apply to the strange coincidences which mark the events of the two revolutionary periods in our history, the trite maxim, "Like causes produce like effects." By some influence, which I can only trace to the fiery ordeal through which we are now passing, we find ourselves again recurring to those great principles which were the offspring of the first revolution.

Gentlemen, we have accomplished this good work and now we separate, to meet no more, forever.

No matter what may be our future career, no matter what may be our future destiny, all of us, who are here assembled, will never again meet in this hall. It is a sorrowful reflection, but no less true. Let me hope, however, that the lot of each will be rendered happy in the consciousness of having done well his part in the realization of the good fruits which the work here accomplished will yield. I extend to you all the parting hand of a sincere friendship and respect. My association with you, gentlemen, shall be to me in the future a source of sincere happiness, and I shall ever recur to it with a most grateful remembrance.

Now we are about to separate—some to enter upon the performance of other

high public trust in the civil department, others to re-enter the field of bloody strife, there to maintain by their own strong arms, if not with their hearts' warmest blood, those great principles which were so nobly asserted here. Others, still, will retire to their homes, there to bathe their wearied souls in the pure stream of domestic felicity. Whatever may be your future lot, I pray God to defend and protect and bless you all.

I will now perform my last office by pronouncing this Convention adjourned *sine die*.

Section 1 of Article III. of the proposed Constitution.—Provided that every white male citizen of the age of twenty-one years who has been a resident of the State for two years, and of the county, city, or town for twelve months next preceding an election, shall have the right to vote. But the convention submitted an amendment to this section, to be passed on by the people, along with the Constitution, and which, if ratified, was to take the place of Section 1 of Article III. The amendment was as follows: "Every white male citizen of the commonwealth, of the age of twenty-one years, who has been a resident of the State for two years, and of the county, city or town wherein he offers to vote, for twelve months next preceding an election, and who, if assessed in such county, city or town, with a part of the revenue of the commonwealth, county or corporation levies or poor rates, for the year next preceding, shall have actually paid the same, and no other person, shall be qualified to vote for members of the General Assembly and all officers elected by the people," etc.

The Schedule provided that the Constitution and Schedule, and also the above amendment, should be submitted to the people for their ratification or rejection on the 13th of March, 1862.

Very few persons of to-day have any recollection that the people ever voted on the Constitution and Schedule or the amendment above mentioned, but the fact is they were voted on and rejected by the people.

The Richmond Dispatch of March 14, 1862, reminds the people that the new Constitution is being voted on, and that only two days remain in which to cast their votes.

The *Dispatch* of March 17, 1862, says: "The Amended Constitution.—The returns so far as received, indicate that the Amended Constitution of Virginia, and the clause requiring the payment of a poll tax as a condition of suffrage, have been carried by a large majority."

The *Dispatch* of April 1, 1862, says: "The new Constitution of Virginia, which has probably been rejected, was a step in the right direction." No further mention is made in the *Dispatch*, and it is conclusive that the above statement was the announcement of its rejection. This view is corroborated by the recollections of General Eppa Hunton, a survivor of the Convention of 1861.

CONVENTION OF 1864.

The General Assembly of dismembered Virginia which met at Wheeling in 1863 provided for the election of delegates to a convention to assemble in the city of Alexandria on the 13th of February, 1864. The delegates to this convention were elected on the 21st of January, 1864.

Accordingly, the convention met in the city of Alexandria on the date already named. In the meantime Governor Pierpont, so-called, removed the seat of government from Wheeling to Alexandria, and the Legislature first assembled there on the 7th of December, 1863.

The convention elected LeRoy G. Edwards President and W. J. Cowing Secretary.

The following list of delegates is copied from the Journal of the convention:

DELEGATES.

MET FEBRUARY 13, 1864. ADJOURNED *sine die*, APRIL 11, 1864.

John W. Stone, of Princess Anne county.

George R. Boush and Philip G. Thomas, of Norfolk county.

Warren W. Wing, of Norfolk Senatorial District.

John J. Henshaw, James M. Downey, and E. R. Gover, of Loudoun county.

LeRoy G. Edwards, of the Senatorial District of the counties of Princess Anne and Norfolk and city of Portsmouth.

William H. Dix, of Accomac county.

Arthur Watson, of Accomac and Northampton counties.

Lewis W. Webb, of Norfolk city.

Robert B. Wood, of Elizabeth City.

T. S. Tennis, of Elizabeth City, York, Warwick, Charles City and New Kent counties, James City and city of Williamsburg.

William P. Moore, of Northampton county.

John Hawxhurst, of Fairfax county.

S. Ferguson Beach, of Alexandria and Fairfax counties.

Walter L. Penn, of Alexandria county.

It will be seen from the insignificant number of delegates to this convention that few counties in the State participated in the election, the greater portion of the State, after West Virginia was taken off, being within the Confederate lines.

The convention, on the 14th of March, 1864, adopted the Bill of Rights, as contained in the Constitution of 1850-'51.

On the 7th of April ensuing the Constitution was adopted in convention.

This Constitution was not submitted to the people for their ratification.

On the 11th of April, 1864, the convention adjourned *sine die*.

CONVENTION OF 1867-'68.

This convention assembled at the Capitol, in the city of Richmond, on Tuesday, December 3, 1867.

After the adoption of the Constitution of 1864 Pierpont, claiming to be the legally constituted Governor of Virginia, remained at Alexandria until the evacuation of Richmond, because Alexandria was one of the few places in dismembered Virginia where it was safe for him to make his headquarters. During that time the seat of the legally constituted government of Virginia was at Richmond.

Pierpont was endeavoring to administer the laws enacted by less than one-fourth of the General Assembly in conformity to the Alexandria Constitution, which had been framed and adopted by a convention of seventeen delegates. During the same period Governor Letcher and his successor, Governor Smith, recognized none but the laws enacted under the Constitution of 1851. There was but little conflict, however, between these two governments, since the administration at Alexandria controlled little more territory than that occupied by the seat of its government.

After the evacuation of Richmond Pierpont moved the seat of his government to Richmond.

President Johnson issued executive orders on the 9th of May, from which the following is an extract:

"Ordered, First, that all acts and proceedings of the political, military, and civil organizations which have been in a state of insurrection and rebellion within the State of Virginia, against the authority and laws of the United States, and of which Jefferson Davis, John Letcher, and William Smith were the late respective chiefs, are declared null and void. All persons who shall exercise, claim, pretend or attempt to exercise any political, military or civil power, authority, jurisdiction or right, by, through or under Jefferson Davis, late of the city of Richmond, and his confederates, or under John Letcher or William Smith, or civil commission or authority issued by them or either of them, since the 17th day of April, 1861, shall be deemed and taken as in rebellion against the United States, and shall be dealt with accordingly."

From this time on Governor Pierpont was recognized as the chief executive of the State, and he proceeded to administer the laws of the Commonwealth under the Constitution of 1864, adopted at Alexandria.

Virginia was now under military rule, Governor Pierpont being subject to military orders.

President Johnson's proclamation of April 2, 1866, concluded with, "therefore I, Andrew Johnson, president, &c., do hereby proclaim and declare that the insurrection which heretofore existed in the states of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida, is at an end, and is henceforth to be so regarded."

However, in face of this an act was passed by Congress on the 2d of March,

1867, "to provide for the more efficient government of the rebel states." * By authority of this act Virginia became Military District, No. 1.

The records at Washington show that the following commanding generals were successively stationed at Richmond from April 3, 1865, to January 28, 1870, when military rule ended and the civil government was resumed: Godfrey Weitzel, April 3, 1865, to April 13, 1865; E. O. C. Ord, April 13, 1865, to June 14, 1865; Alfred H. Terry, June 14, 1865, to August 16, 1866; John M. Schofield, August 16, 1866, to June 2, 1868; George Stoneman, June 2, 1868, to April 2, 1869; Alexander S. Webb, April 2, 1869, to April 20, 1869; R. S. Canby, April 20, 1869, to January 28, 1870.

Below will be found extracts from "General Orders" showing how the convention of 1867-'68 was brought about without any action on the part of the people.

General Order No. 65, issued September 12, 1867, by Brigadier and Brevet Major-General J. M. Schofield from Headquarters First Military District, State of Virginia, Richmond, Va., states that "In pursuance of the Act of Congress of March 23, 1867, an election will be held for delegates to a State Convention, and to take the sense of the registered voters upon the question whether such Convention shall be held, for the purpose of establishing a constitution and civil government for the State of Virginia, loyal to the Union." It provides that the number of delegates to be elected shall be 105, gives the apportionment among the various counties and cities, and fixes Tuesday, October 22, 1867, as the date for the holding of such election.

General Order No. 68, October 4, 1867, gives in detail the regulations to be observed in conducting the election and making returns, and concludes: "The Commanding General confidently hopes that the people of the State will unite in securing for each other the full and free exercise of the elective franchise, but if this should not be the case in any district or ward, or if, from accident, fraud, or otherwise, the ballot-boxes or poll-books should be lost or destroyed, a new election will be ordered in such district or ward."

General Order No. 77, issued November 2, 1867, says that "At the election held in the State of Virginia on the 22nd day of October, 1867, and following days, for delegates to a State Convention, and to take the sense of the registered voters upon the question whether such convention should be held for the purpose of establishing a constitution and civil government for the State, loyal to the Union, 169,229 votes were cast upon the question of holding a convention, of which number 107,342 votes were cast 'For a Convention,' and 61,887 votes 'Against a Convention.' The whole number of votes cast upon that question being a majority of the whole number of registered voters in the State, and the number of votes cast 'For a Convention' being a majority of all the votes cast upon that question, the Convention will be held as provided by the Act of Congress of March 23, 1867. The Hall of the House of Delegates in the City of Richmond, and 10 o'clock A. M. on Tuesday the 3rd day of December, 1867, are designated as the place and time for the meeting of the Convention."

Official list of the delegates chosen is given in this order with the statement that "Each delegate will be furnished with an official copy of this order, which will constitute his certificate of election."

The Journal of the convention records as follows: "In accordance with the

*U. S. Stat., Vol. 14, p. 428.

order of General J. M. Schofield, commanding first military district, calling the delegates-elect to assemble in Convention to frame a Constitution for the government of the State of Virginia, the delegates assembled at 10 o'clock A. M. and temporarily organized," etc.

In order that the reader may form some idea of the personnel of this convention an extract from an address issued to the people of Virginia by the Conservative members of the convention and printed in *The Richmond Dispatch* of April 20, 1868, three days after the adjournment of the convention, is here appended, as follows:

"The Convention consisted of one hundred and five members, of whom some thirty-five were Conservatives, some sixty-five were Radicals, and the remainder doubtful. The Radicals were composed of twenty-four negroes, fourteen native-born white Virginians, thirteen New Yorkers, one Pennsylvanian, one member from Ohio, one from Maine, one from Vermont, one from Connecticut, one from South Carolina, one from Maryland, one from the District of Columbia, two from England, one from Ireland, one from Scotland, one from Nova Scotia, and one from Canada. Of the fourteen white Virginians belonging to this party, some had voted for secession, others had been in the Confederate service, others are old men whose sons had been in the Confederate army; hardly one had a Union record. A large proportion of the Northern men and foreigners were drifted here in some non-combatant capacity by the war.

"The Convention organized by electing a New Yorker president. A native of Maryland was elected secretary. A Marylander was elected sergeant-at-arms. An Irishman, resident of Baltimore, was elected stenographer. The assistant clerk was from New Jersey. Two negroes were appointed doorkeepers. A clergyman from Illinois was appointed chaplain. Even the boys appointed as pages, with one exception, were negroes, or sons of Northern men or foreigners; while the clerks of the twenty standing committees, with two or three exceptions, were also Northern men or negroes."

The address concludes as follows:

"It is difficult to realize the situation which we have reached in the South. The mind is stupefied at the initiation of negro domination. It is a waking nightmare, whose horrible shadow cannot be pierced by the struggling faculties—a spell that neither the senses nor the reason can dissolve. The only escape from such a fact is that which the stout and the resolute always discover from the storms and floods of an unpropitious fortune. Resolved to swim, they breast the tempestuous waves with heroic hearts and sinewy arms, unterrified and undiscouraged, confident, that if but true to themselves, they were not born to be drowned. In such a spirit, should the white people of Virginia buffet with the rude surges that break over them in this moment of adversity; in such a spirit should they beat down the heaving bosom of the dark flood in which they struggle; in such a spirit should they wrestle with the swift and swollen current of this revolutionary period, which has submerged all the ancient landmarks, has subverted the foundations of the Federal Government, has swept away the sentiment of constitutional liberty at the North, and is now raging like a howling waste of waters over the lately fair and lovely vistas of the South."

The following names are attached to this address:

"Charles T. Duncan, of Scott.
 Adolphus W. Harris, of Nelson.
 J. W. Broadus, of Amherst.
 J. C. Southall, of Albemarle.
 J. M. French, of Bland.
 Joseph A. Waddell, of Augusta.
 Powell Harrison, of Augusta.
 Hugh H. Lee, of Roanoke.
 William McLaughlin, of Rockbridge.
 Lewis Linkenhoker, of Botetourt.
 Joseph T. Campbell, of Washington.
 Eustace Gibson, of Giles.
 J. C. Gibson, of Rappahannock.
 N. B. Berkeley, of Loudoun.
 Fred. C. S. Hunter, of King George.
 G. R. Cowan, of Russell.
 M. F. Robertson, of Franklin.
 James Gibboney, of Wythe.
 J. H. Thompson, of Smyth.
 George E. Plaster, of Loudoun.
 John L. Marye, Jr., of Spotsylvania.
 R. Taylor Scott, of Fauquier.
 B. F. Lewis, of Prince William.
 Joseph Mayse, of Bath.
 Moses Walton, of Shenandoah.
 Norval Wilson, of Frederick.
 John J. Gravatt, of Caroline.
 George W. Rust, of Page.
 J. McK. Kennerly, of Clarke."

The convention organized by electing John C. Underwood president and George Rye secretary. The Constitution framed by this body became known as the "Underwood Constitution."

The following list of delegates is copied from the Journal of the convention:

DELEGATES.

MET DECEMBER 3, 1867. ADJOURNED APRIL 17, 1868.

Accomac and Northampton—Edward K. Snead and James C. Toy.
 Albemarle—C. L. Thompson and James T. S. Taylor.*
 Alexandria City—Job Hawxhurst.
 Alexandria and Fairfax—L. M. Nickerson.
 Alleghany, Craig, and Roanoke—Hugh H. Lee.
 Amelia—Samuel R. Seay.
 Amherst—John W. Broadus.
 Amherst, Buckingham, and Nelson—J. Henry Williams.
 Augusta—Powell Harrison and Joseph A. Waddell.

Augusta, Albemarle, and Louisa—James C. Southall.
 Bath, Highland, and Rockbridge—William McLaughlin and Joseph Mayse.
 Bedford—Gaston G. Curtiss and David Staley.
 Bland and Tazewell—James M. French.
 Botetourt—Lewis Linkenhoker.
 Brunswick—William Leahy.
 Buckingham—Frank Moss.*
 Campbell—Samuel F. Kelso* and Samuel D. Williamson.
 Campbell and Pittsylvania—William H. Lydick.
 Caroline, King George, and Spotsylvania—John L. Marye, Jr., Frederick S. C.
 Hunter, and John J. Gravatt.
 Carroll, Floyd, and Grayson—William R. Dickey and F. A. Winston.
 Charlotte—Edward Nelson.*
 Charlotte and Halifax—Joseph R. Holmes.*
 Charles City and New Kent—Lemuel E. Babcock.
 Chesterfield and Powhatan—Samuel F. Maddox, James B. Carter,* and Charles
 H. Porter.
 Clarke and Warren—Joseph McK. Kennerly.
 Culpeper—Fayette Mauzy.
 Cumberland—John Robinson.*
 Elizabeth City and Warwick—David B. White.
 Fairfax—Orwin E. Hine.
 Fauquier and Rappahannock—R. T. Scott and J. C. Gibson.
 Fluvanna—James D. Barrett.*
 Frederick—Norval Wilson.
 Gloucester and Mathews—J. W. Dixon.
 Goochland—William S. Moseley.*
 Greenville and Sussex—Peter K. Jones.*
 Halifax—David Canada* and William L. Owen.
 Hanover—William James.
 Hanover and Henrico—Burwell Toler.*
 Henrico—George W. Swan.
 Henry—C. Y. Thomas.
 Isle of Wight and Surry—William H. Andrews.*
 James City and York—Daniel M. Norton.*
 King and Queen and King William—Edmund W. Massey.
 Lee, Scott, and Wise—Andrew Milbourn and Charles Duncan.
 Loudoun—Norborne Berkeley and George E. Plaster.
 Louisa—John B. Eastham.
 Lunenburg—Samuel Fuqua.
 Madison and Greene—Robert S. Beazley.
 Mecklenburg—Sanford M. Dodge and John Watson.*
 Middlesex and Essex—William Breedlove.*
 Montgomery—Adam H. Flanagan.
 Nansemond—William J. Parr.
 Nelson—Adolphus W. Harris.
 Norfolk City—Henry M. Bowden and Thomas Bayne.*
 Norfolk County and City of Portsmouth—James H. Clements, Luther Lee, Jr.,
 and George Teamoh.*

Northumberland, Lancaster, Richmond, and Westmoreland—Ephraim Nash and Richard S. Ayer.

Nottoway—William H. Robinson.

Orange—Frederick W. Poor.

Page and Shenandoah—Moses Walton and George W. Rust.

Patrick and Franklin—W. F. B. Taylor and M. F. Robertson.

Petersburg City—James H. Platt and Peter G. Morgan.*

Pittsylvania—Levi C. Thayer and Herbert A. Wicker.

Prince George and Dinwiddie—David G. Carr and William Reed.

Prince Edward and Appomattox—Edgar Allan and James W. D. Bland.*

Princess Anne—Willis A. Hodges.*

Pulaski and Giles—Eustace Gibson.

Richmond City—James W. Hunnicut, James Morrissey, John C. Underwood, Lewis Lindsay,* and Joseph Cox.*

Rockingham—John C. Woodson and Jacob N. Liggett.

Russell and Buchanan—George R. Cowan.

Smyth and Washington—J. H. Thompson and Joseph T. Campbell.

Southampton—John Brown.*

Stafford and Prince William—B. F. Lewis.

Wythe—James Gibbons.

*The negroes in this Convention indicated by *.

Both the records of the convention and the papers of that day, as well as living witnesses, testify that this was the most conglomerate and heterogeneous body of men ever assembled in the history of the world to frame a constitution for the government of a free and enlightened people. Made up of different nationalities and different races, carpet-baggers, adventurers, and negroes, with a hopeless minority of reputable Virginians trying to stem the tide of the majority in their attempts to humiliate and disgrace the fair name of Virginia, the hall of the convention became a bedlam of chaotic confusion, perturbation, and anarchy.

It is well known that many members were constantly armed on the floor of the convention. Street broils and fights were participated in by members and others as a result of the intense feeling precipitated by the determination of the majority to fasten on Virginia a "scalawag" government.

Eustace Gibson, a Conservative delegate from Giles county, by his withering irony, keen sarcasm, and fearless denunciation, often made the Radical-Republican combination quail.

On the 29th of January, 1868, Mr. Gibson said: "I think that we have had violations of the Constitution enough, in the petty tyranny first set up on this subject (suffrage) by Andrew Johnson, and after that time by that infamous tyrant, the Congress of the United States."

On the 11th of April Mr. Gibson arose to speak to a resolution proposed by Mr. White. The president ruled that debate was not in order. Mr. Gibson replied: "If this House will receive such a resolution, knowing, as it knows, that I have to leave here on Monday morning, without giving me an opportunity to defend myself, it is composed of a set of baser scoundrels than I supposed could be collected together in any body."

On the 10th of April Mr. Gibson prodded the Radical or Republican members

who, with their twenty-four negro allies, were enabled to dominate the convention, by proposing the following ironical preamble and resolution:

"Whereas, it is reported in the public Journals that the Hon. Thomas Bayné, (colored,) a member of this Convention, and leader of the Republican side of the House, while in the discharge of a public duty, has been treated with indignity by the General-in-Chief of the Armies of the United States: therefore,

"Resolved, That this House is constrained to express its regret and displeasure at such a manifestation of disrespect for this body, and that the Secretary of the Convention be directed to communicate these sentiments to General Grant."

Several resolutions were proposed in the convention to expel Mr. Gibson, but none of them ever reached a vote.

On the 7th of March, 1868, Mr. White proposed the following preamble and resolution:

"Whereas, Mr. J. Henry Williams, a delegate in this Convention from Amherst county, grossly insulted this body, on the 6th instant, by a willful and persistent violation of its rules, in refusing to vote, and that too, after the Convention had refused to excuse him: therefore,

"Resolved, That a committee of seven be appointed to investigate this case, and that they be required to report as soon as practicable to this body."

On this proposition Mr. Liggett, a Conservative, refused to vote, saying, "I refuse to vote, Sir, through contempt and disgust at this proposition."

Mr. White offered the following preamble and resolution:

"Whereas, Jacob N. Liggett, a delegate in this Convention from the county of Rockingham, did, on this 7th day of March, 1868, violate the twenty-ninth rule adopted for the government of this body, by rising, when his name was called, and saying 'I refuse to vote, because I am disgusted with the whole proposition,' or words to that effect: therefore, be it

"Resolved, That the said Jacob N. Liggett be expelled from this Convention, and from this date ceases to be a member thereof."

It was adopted by a vote of 56 to 15. It is said by witnesses living to-day that on leaving the convention Mr. Liggett expressed his opinion of the body in unmistakable terms.

One hundred thousand dollars had been appropriated for the use of the convention, but on the 2d of March, 1868, just three months after the convention assembled, the chairman of the Committee on Finance and Contingent Expenses reported that of the \$100,000 appropriated only \$6,596.57 remained unexpended.

During the session sixteen resolutions and amendments were proposed providing for an additional sum to pay the expenses of the convention. Finally, on the 4th of April, General J. M. Schofield notified the convention that he would approve "An ordinance to provide for the payment of the expenses of the Convention," passed April 2, 1868, on the following condition: "The *per diem* and other expenses of the Convention to be paid, in the manner provided by the ordinance, up to the 6th of April, 1868, and no longer." The convention adjourned in debt, no provision having been made for paying the expenses during the last ten days of its session. There is no evidence to show that this indebtedness was ever liquidated.

The Journal of the Senate shows that resolutions were proposed in that body March 4, 1870, and June 30, 1870, providing for the payment of the unpaid expenses of the convention, but they were defeated. The Journal of the House of Delegates testifies that similar resolutions were also proposed in the House December 13, 1870, and December 13, 1871, but they met the same fate of those proposed in the Senate.

The new Constitution was adopted by the convention on the 17th day of April, 1868, by a vote of 51 to 26.*

The test-oath and disfranchisement provisions of the Constitution were exceedingly obnoxious to the people of Virginia.

The Conservative party were preparing to defeat the Constitution at the polls when it should be submitted. Alexander H. H. Stuart, John B. Baldwin, and other prominent Conservative leaders, foreseeing that negro suffrage was inevitable, voluntarily organized a committee composed of Alexander H. H. Stuart, John B. Baldwin, Wyndham Robertson, W. S. Sutherland, James Neeson, J. F. Johnson, William L. Owen, John L. Marye, Jr., and John F. Slaughter, which became known as the "Committee of Nine." Through the untiring efforts of these gentlemen the Federal Government agreed that the test-oath and disfranchisement clauses should be voted on separately from the Constitution.

Armistead R. Long, in his annotated edition of the Constitution of Virginia, says: "The Conservative members of the Convention had builded better than they knew; but the benefit of their work was secured to the people of Virginia, and a way of escape from military government provided by the statesmanship of Mr. Stuart, who, in organizing the "Committee of Nine" and devising the measures, which, with the assistance of Col. Baldwin and the other members of the committee, he carried to a successful issue, rendered the State a service, the great value of which has not been recognized and appreciated as it deserves."

On the 10th of April, 1869, an act of Congress was approved authorizing the Constitution to be submitted to the people for ratification, and also authorizing the election of State officers and members of Congress under the new Constitution. The act empowered the President of the United States to submit the Constitution to the people for ratification at such time as he might think proper, and, in his discretion, to submit the Constitution as a whole or to submit the sections thereof separately. In accordance with this act President Grant issued his proclamation on May 14, 1869, designating July 6, 1869, as the date for submitting the Constitution framed by the Convention of 1867-'68.

The President submitted the fourth clause of Section 1 of Article III. and the seventh section of Article III., to be voted on separately from the Constitution. Accordingly, the election was held on the 6th of July, 1869, under the supervision of Major-General R. S. Canby, commanding District No. 1.

The total number of registered voters was 269,884, of which 149,781 were white and 120,103 were colored. The total number of votes cast for and against the Constitution and independent clauses was 222,319, of which 125,114 were white and 97,205 were colored. The Constitution was ratified by a vote of 210,585 to 9,136. The fourth clause of Section 1 of Article III., or disfranchisement clause, was

*It is a curious coincidence, and one worthy of note, that the Underwood Constitution was adopted on the seventh anniversary of the adoption of the ordinance of secession and in the same hall.

rejected by a vote of 124,360 to 84,410. Section 7 of Article III., or test-oath clause, was also rejected by a vote of 124,715 to 83,458. The apparent discrepancy in the total vote cast and the total vote polled on the question of ratifying the Constitution is accounted for by the fact that 2,598 persons voted on the disfranchisement and test-oath clauses, but failed to vote on the Constitution.

At this election Gilbert C. Walker, a Conservative, was elected over Henry H. Wells, Radical, by a vote of 119,535 to 101,204.

The logical conclusion from the above vote is that, had General Grant refused to allow a separate vote on the two clauses, the Constitution would have been rejected. This view is further emphasized by the vote for Governor when the Conservative candidate received a majority of 18,381 over the Radical candidate.

On the 17th of April, 1868, the convention adjourned, subject to the call of a committee appointed for that purpose. The convention, to the great satisfaction of the people of Virginia, never reassembled. Thus passed into history the reconstruction convention of Virginia, the like of which, it is hoped, will never again be foisted upon a civilized people.

On the 26th of January, 1870, an act of Congress was approved admitting Virginia to the Union, and on the same date the government of the State became operative under the new Constitution.

CONVENTION OF 1901-'02.

For many years the people of Virginia submitted to negro domination in local affairs in many of the counties of the "black belt." This submission was reluctant, it is true, and wherever possible the white minority asserted itself in various ways. In state and national elections the negro vote was swung almost as a unit to one of the two great political parties, and this mass, reinforced and manipulated by white allies and leaders, for years threatened to dominate the entire State. For the six years, from 1879 until 1885, the negro vote of the State was a powerful factor in its control.

Chafing under these conditions, the whites of the State, fearful of invoking Federal interference in local and state elections if they resorted to drastic action designed to diminish the power of the blacks, had to resort to subterfuges to remove this menace to the peace and prosperity of the State. The first step in the effort to guarantee white control in local and state government was the enactment by the General Assembly of what was known as the Anderson-McCormick election law. This measure, to some extent, crippled the power of the blacks, but it did not suffice. Under its operation and administration the ignorant and venal vote was not only not eliminated, but was only slightly reduced. There was no secrecy of the ballot. Consequently the most ignorant negro could, by the aid of his more intelligent political allies, still vote, and in many localities control elections. The law was, however, a step in the direction of white supremacy and a tendency toward the elimination of the vicious, ignorant, and worthless element from the electorate.

The conferment of suffrage upon the newly-emancipated negro had all along been recognized by the white people of Virginia as a grave error and a great wrong perpetrated in a moment when passion and sectional prejudice dominated the country. Gradually the realization of this began to permeate the entire country, until within recent years many of the more liberal men of the country have come to realize the wrong forced upon an unwilling people. Gradually, too, the whites of Virginia and of her sister Southern States resorted to more effective measures to reduce the political power of the freedmen.

The Anderson-McCormick law not affording adequate remedy for existing evils, the General Assembly of 1893-'4 enacted what was known as the Walton election law. The feature of this was the secrecy thrown around the ballot and the limited educational qualification it imposed. This was a great improvement over the old law and afforded further remedy, insuring white control of the State, but not fully removing the menace of negro domination in local affairs in many of the counties of the Commonwealth.

A few years later the Walton law was amended to remedy or remove those defects, the existence of which had been demonstrated by the practical test of experience. Thus perfected, the law afforded all the relief that could be afforded by any legislation that did not strike at the root of the evil. Desirable as these expedients were, they had to be *administered* to render them effective.

Meanwhile the demand for a constitutional convention to draft a new organic

law for the State had been growing steadily. For a long time the hope of securing a convention was too meager to warrant even the proposal of such a thing. An attempt to call a convention to revise and amend the Constitution at any time during the period from 1869 until 1885 would have meant great turmoil and probably bloodshed, and that, too, with but little hope that the proposition would carry. It would have invited Federal interference and have but multiplied and intensified the evils then existing. Besides, the Constitution prevented the submission of this question to the people prior to the year 1888. As the years passed and sectional and political prejudice and bitterness decreased the whole country began to awaken to the mistake of negro enfranchisement.

With the changed conditions the demand for a new Constitution that would reduce the cost of administering the government of the Commonwealth and that would purge the electorate of the unworthy began to manifest itself. The first proposition of this kind was submitted to the people by an act of the General Assembly approved February 24, 1888. The question submitted at that time was, "Shall there be a convention to revise the Constitution and amend the same?" The time was not then ripe for constitutional reform, but the sentiment for it was growing. The people were averse to changes lest the very element it was desired to eliminate should control the convention and render conditions worse rather than better. The old Constitution had been several times amended by legislative enactment, and these facts, with the known conservatism of Virginians, made them slow to change, and constrained them to bear the ills they had, lest they fly to others they knew not of. The election was held on the fourth Thursday of May, 1889, and, as was feared, the movement for a new Constitution was lost, there being but 3,698 votes for the proposition to 63,125 votes against it. No canvass had been made, and no agitation of the matter had been had to inform the mass of voters of the submission of the question. Many of them knew nothing of the proposition, and voted against it because they did not know.

As already stated, the Anderson-McCormick and Walton election laws had in some measure remedied the existing conditions. The negro, who during the seventies and early eighties had held county and district offices, had served in the city councils, and even in the General Assembly, and had, in at least one instance, represented the State in the Congress of the United States, had since then been gradually relegated to the rear. He was still a disturbing and corrupting factor in the politics of the State, however. Influenced by appeals to passion and prejudice, by bribery and promises of office, and controlled by men who thus appealed to them, the ignorant and vicious negroes held the balance of political power in the State, and in order to insure the supremacy of the better element and the prosperity of the State, the whites had to resort to various expedients, many of them questionable, to overcome the power wielded by the blacks and their white allies. Thus, gradually, in order to insure white control in many of the counties where the negro was in the majority numerically, corruption and fraud crept into the politics of the State. Reprehensible as were these practices, they were preferable to force and bloodshed, and were the only other alternative means of securing an end so essential to the welfare and prosperity of the Commonwealth. The white people of the black belt were determined not to tolerate longer the humiliating experience of having negro magistrates, supervisors, councilmen, sheriffs, treasurers, and clerks of courts. The negroes in many instances helped to levy and collect the taxes on the property of the white people, while the colored

people contributed practically nothing to the expense of the government. The only escape from these humiliating and demoralizing conditions, therefore, was to defraud the negro in elections.

As time passed this practice became more and more distasteful and abhorrent to the better element of the population, though the end sought thereby was recognized as necessary. The poison of fraud had begun to vitiate the body politic, and to manifest itself in contests among whites as well as in those between whites and blacks. The tendency was too apparent, and the awakening of the people to this new menace gave rise to the determined demand for a new Constitution which would remove the negro from the electorate as far and as fully as this could be done by lawful means and without contravention of the Federal Constitution. The negro as a political factor and as the balance of power in politics had provoked these tendencies, and the only hope of pure politics and of the abandonment of these practices, that were so rapidly corrupting the better element, was the elimination of the negro from the arena of politics. So long as he retained his power he was a purchasable, easily manipulated commodity.

The demand for the purification of the electorate and insurance against negro domination, or the disturbing danger of it, had so grown since 1889 that the General Assembly of 1895-'6, more fully cognizant than the people at large of the conditions then existent, again determined to submit to the voters the question of holding a convention. Accordingly, an act was passed and approved March 4, 1896, submitting to the people the question, "Shall there be a convention to revise the Constitution and amend the same?" The election thereon was held on the fourth Thursday of May, 1897, and again the proposition failed to carry, being lost by a vote of 38,326 for and 83,453 against. These figures compared with the vote of 1889 show that the advocates of a convention had increased tenfold, while the opponents had increased but about thirty per cent. There had been little or no agitation of the question; there was no canvass for it, no exposition of its purposes and plans, and no party was committed to the movement. In spite of all this the spirit of constitutional reform had so grown in eight years that the early calling of a convention was assured.

Encouraged by the growth of sentiment for the convention and more and more cognizant of the demands for a reform in the organic law of the State, the advocates of a convention immediately began to educate public sentiment and to awaken the people to action. The expense of the administration of the affairs of the Commonwealth and the useless extravagance due to the cumbersome judiciary system were effectively shown by comparison of these with other States. The constantly growing demand for the regulation and control of corporations, reforms in the legislative department, and, above all, the elimination of the negro as far as possible and compatible with the Federal Constitution, were some of the other reforms on which the demand for a new Constitution was based and the movement popularized. It was now evident, too, that the control of a constitutional convention by the conservative, intelligent, and patriotic element of the population was assured, and the menace of radical and dangerous legislation removed. Under these conditions the dominant political party in the State took the movement up and made it a part of its platform. The General Assembly of 1899-1900 passed an act which was approved March 5, 1900, entitled an act "To provide for submitting to the qualified voters of the State the question of call-

ing a constitutional convention, to be held for the purpose of revising and amending the present constitution."

The question was submitted to the people on the fourth Thursday in May, 1900, and resulted in a victory for the advocates of a convention. The vote cast was: For a convention, 77,362; against a convention, 60,375.

Accordingly, and in obedience to the behest of the people, Governor J. Hoge Tyler convoked the General Assembly in extra session, and on the 16th of February, 1901, an act was approved entitled an act "To provide for the selection of delegates to the constitutional convention, for the convening of said delegates, the organization of the said convention and for submitting the revised and amended constitution to the people of the State of Virginia for ratification or rejection." Under the terms of this act the election was held on the fourth Thursday in May, 1901, the number of delegates to be chosen being one hundred, apportioned among the various counties and cities just as were the members of the House of Delegates.

Of the one hundred delegates composing the convention eighty-eight were Democrats and the remaining twelve Republicans. The only contest in the convention was that of Morgan Treat, Republican, vs. Roger Gregory, Democrat, for the seat for the district composed of the counties of King William and Hanover. This was ultimately decided in favor of the sitting member, Mr. Gregory, who is included among the eighty-eight Democrats.

The convention assembled in the hall of the House of Delegates at the Capitol, in Richmond, at noon on Wednesday, June 12, 1901, and organized by electing the Hon. John Goode, of Bedford county, president, and Mr. Joseph Button, of Appomattox, secretary. The following is the list of delegates composing the convention, together with the districts they represented, as recorded in the journal of the Convention:

DELEGATES.

MET JUNE 12, 1901. ADJOURNED *sine die*, JUNE 26, 1902.

†Allen, Otway S.—City of Richmond.

Anderson, George K.—*Alleghany*, Bath, and Highland.

†Anderson, W. A.—Rockbridge.

*Ayers, Rufus A.—Buchanan, Dickenson, and Wise.

*Barbour, John S.—Culpeper.

*Barham, Joseph L.—Southampton.

†Barnes, M. H.—*New Kent*, Charles City, James City, Warwick, York and cities of Williamsburg and Newport News.

*Barnes, Thomas H.—Nansemond.

†Blair, Robert W.—Wythe.

*Boaz, W. H.—*Albemarle* and city of Charlottesville.

†Bolen, D. W.—Carroll.

Bouldin, Wood.—Halifax.

*Braxton, A. C.—Augusta and city of Staunton.

†Bristow, J. A.—Essex, and *Middlesex*.

†Brooke, D. Tucker.—City of Norfolk.

†Elected in place of Virginius Newton, resigned.

- *Brown, John Thompson.—Bedford.
- †Cameron, William E.—City of Petersburg.
- †Campbell, Clarence J.—Amherst.
- *Campbell, P. W.—Washington.
- *Carter, Hill.—Hanover.
- †Chapman, Hunter B.—Shenandoah.
- *Cobb, W. L.—Caroline.
- †Crismond, H. F.—Spotsylvania and *city of Fredericksburg*.
Daniel, John W.—Campbell.
- †Davis, B. A.—Franklin.
- *Dunaway, W. F.—*Lancaster*, and Richmond.
- †Earman, George N.—Rockingham.
- *Eggleston, D. Q.—Charlotte.
- †Epes, B. J.—Dinwiddie.
Fairfax, Henry.—Loudoun.
- *Fletcher, Albert.—Loudoun, and *Fauquier*.
- †Flood, H. D.—Campbell, and *Appomattox*.
- *Garnett, G. T.—Gloucester, and *Mathews*.
- †Gilmore, J. W.—Rockbridge.
Gillespie, A. P.—Tazewell.
Glass, Carter.—City of Lynchburg.
- *Goode, John.—Bedford.
- *Gordon, B. T.—Nelson.
- *Gordon, James W.—City of Richmond.
- *Gordon, R. Lindsey.—Louisa.
- *Green, Berryman.—Pittsylvania and *city of Danville*.
- *Gregory, Roger.—*King William*, and Hanover.
- †Gwyn, T. L.—Grayson.
Hamilton, Alexander.—City of Petersburg.
- †Hancock, B. A.—*Chesterfield*, Powhatan and *city of Manchester*.
- *Hardy, L. A.—Lunenburg.
- †Harrison, T. W.—Frederick and *city of Winchester*.
- *Hatton, Goodrich.—Portsmouth.
- †Hooker, J. M.—Patrick.
- Hubard, E. W.—*Buckingham*, and Cumberland.
- Hunton, Eppa, Jr.—Fauquier.
- *Ingram, J. H.—Chesterfield, Powhatan and *city of Manchester*.
- *Jones, Clagget B.—King and Queen.
- *Jones, G. W.—*Pittsylvania* and *city of Danville*.
- †Keezell, George B.—Rockingham.
- *Kendall, Gilmer S.—*Northampton*, and Accomac.
- *Lawson, John W.—Isle of Wight.
- †Lincoln, A. T.—*Smyth*, and Bland.
- *Lindsay, J. H.—Albemarle and *city of Charlottesville*.
- *Lovell, E. H.—Greene, and *Madison*.
- †Marshall, James W.—*Craig*, Roanoke and *city of Roanoke*.
- *McIlwaine, Richard.—Prince Edward.
- *Meredith, Charles V.—City of Richmond.
Miller, C. E.—*Pittsylvania* and *city of Danville*.
- †Moncure, Thomas J.—*Stafford*, and King George.

- Moore, R. Walton.—Fairfax.
 ‡Moore, Thomas L.—Montgomery.
 *Mundy, James.—Botetourt.
 ‡O'Flaherty, D. C.—Clarke, and Warren.
 *Orr, J. W.—Lee.
 *Parks, R. S.—Page, and Rappahannock.
 ‡Pedigo, A. L.—Henry.
 ‡Pettit, William B.—Fluvanna, and Goochland.
 ‡Phillips, Nathan.—Floyd.
 *Pollard, John Garland.—City of Richmond.
 ‡Portlock, W. N.—Norfolk.
 *Quarles, J. M.—Augusta and city of Staunton.
 *Richmond, J. B.—Scott.
 ‡Rives, Timothy.—Prince George, and Surry.
 ‡Robertson, W. Gordon.—Craig, Roanoke and city of Roanoke.
 ‡Smith, Francis L.—Alexandria and city of Alexandria.
 *Stebbins, Joseph.—Halifax.
 Stuart, Henry C.—Russell.
 ‡Summers, John C.—Washington.
 *Tarry, George P.—Mecklenburg.
 ‡Thom, Alfred P.—City of Norfolk.
 *Thornton, J. B. T.—Prince William.
 *Turnbull, Robert.—Brunswick.
 Vincent, Gordon L.—Greenesville.
 Waddill, S. P.—Henrico.
 *Walker, C. Harding.—Northumberland, and Westmoreland.
 *Walter, A. C.—Orange.
 ‡Watson, Walter A.—Nottoway, and Amelia.
 Wescott, N. B.—Accomac.
 *Willis, J. M.—Elizabeth City, and Accomac.
 ‡Wise, George D.—City of Richmond.
 *Withers, Eugene.—Pittsylvania and city of Danville.
 *Woodhouse, Jonathan.—Princess Anne.
 ‡Wysor, J. C.—Pulaski, and Giles.
 *Yancey, W. T.—Rappahannock.

*Voted to proclaim the Constitution.

‡Voted against proclaiming the Constitution.

Italicized county or city is home of the member.

NOTE.—Messrs. Miller, Hunton, Stuart, Fairfax, Bouldin, and Wescott were paired in favor of proclamation. Messrs. Anderson of Alleghany, Daniel, Gillespie, Moore of Fairfax, Waddill, and Hamilton were paired against proclamation. Messrs. Glass, Vincent, and Hubard are not recorded in the Journal as having voted or paired on the question.

WEDNESDAY, JUNE 12, 1901.

(From the Journal.)

Mr. Hunton, of Fauquier, moved to proceed to the election of a permanent President, which was agreed to.

Mr. Moore, of Fairfax, nominated Mr. John Goode, of the county of Bedford, as follows:

Mr. Chairman and Gentlemen of the Convention:

The very brief but very brilliant list of those who have presided over our Constitutional Conventions can by no possibility lose anything in distinction when we add to it the name of the gentleman I now present, the honorable member from the county of Bedford, Mr. John Goode.

So far as the record shows, it was not considered necessary at the time of their selection to speak in detail of the men who have preceded him in this high station—such men as Edmund Pendleton, Philip Barbour, and John Y. Mason. It is equally unnecessary to-day to speak in detail of Mr. Goode.

His career has run through a period of half a century. The country knows him, the State knows him, and both esteem him. They both give him their entire confidence. He has been much in the public service, and whether discharging official duties in Richmond or at Washington, the elevation of his character, the conservatism, strength, and cultivation of his intellect, his gifts as an orator, and his perfect fidelity have won for him continually increasing respect and admiration.

So far as his devotion to Virginia is concerned—the Virginia to which at this time we are turning in our thoughts with peculiar love and affection—it has been complete and absolute. He cherishes all of her memories. He is imbued, as few men now are, with the splendid spirit of her past. He preserves to himself, and he aims to preserve for all the people, the great lessons of her history and her traditions. As for her present, he understands it—the problems that painfully press for solution and the difficulties that surround their consideration. Though far advanced beyond the time to which enthusiasm and hope seem especially to belong, full of courage he looks forward now to her future with faith in the destiny of the Commonwealth which he has served in days gone by, and which he is to serve again.

Mr. Goode's is a familiar presence in this historic hall. Here in the spring-time of his life he sat as a member of the General Assembly. Here, when his powers had matured, he stood with the statesmen of Virginia and the South, dealing with mighty issues which devolved upon the Secession Convention and the Confederate Congress. And now he comes here again, in the evening of his days, to contribute what may be his last public labors to the great work which the sovereign people of this Commonwealth have decreed. Unchallenged and unsurpassed in experience and patriotism, in wisdom and in moderation, Mr. Chairman, I respectfully nominate him for the presidency of this convention.

Mr. Daniel, of Campbell, seconded the nomination in the following words:

Mr. Chairman:

I shall detain the convention but a moment, and shall add but a word to what has been so admirably and eloquently said by the member from Fairfax. There is no man in our Commonwealth who is better or more favorably known throughout its limits than the distinguished gentleman whom he has put in nomination. With ripe wisdom, and an enthusiasm for what is right, honorable, and just (which enthusiasm he has borne throughout his life), we may well say of him that he has sounded a clear note over all of the battlefields of patriotism and of true Democ-

racy in the Old Dominion, and that he has not only preached, but he has acted up to the true Jeffersonian test of office-holding, in giving to his fellow-statesmen and countrymen the example of a life which has been honest, just, and capable in all of its undertakings.

Possessing the universal confidence of this convention, it affords me great pleasure to second his nomination; and possessing the confidence of the people of the Commonwealth, I know they will welcome the fact that we have made the Hon. John Goode the President of this body.

Mr. Goode, being declared elected President, took the chair and addressed the convention as follows:

Gentlemen of the Convention:

I beg leave to tender to you my sincere and heartfelt thanks for the distinguished honor you have conferred upon me; to bespeak your kind forbearance towards my shortcomings while I shall occupy the chair, and to invoke your generous support in the discharge of the responsible duties to which you have called me with such flattering unanimity.

It is indeed a high distinction to be chosen as the presiding officer of this body of Virginians, clothed temporarily with the sovereignty of the State, and commissioned by her people to execute the most important trust that could possibly be confided to their representatives.

In obedience to the voice of our constituents, we have come from all sections of the State to take counsel together, to interchange opinions, and to determine questions of the most momentous magnitude which vitally affect the peace, welfare, and happiness of all our people.

It is no easy task to frame the organic law of a great Commonwealth like ours. It is a task to be approached in the fear of God, with sole reference to the public good and with unaffected diffidence as to our capacity to measure up fully to all the requirements of the occasion.

It has been said that the greatest of all builders are the builders of States. The time has been when Virginians were recognized as master builders in the work of framing Constitutions. They promulgated the first written Constitution for a free and independent Commonwealth ever known to mankind. The convention which framed that Constitution met in the old Colonial Capitol at Williamsburg on the 6th day of May, 1776. It was composed of men whose names have been linked with immortality—men who will be held in grateful remembrance by their admiring countrymen as long as liberty shall have a votary upon earth. It is no exaggeration to say that the "Declaration of Rights" drawn by George Mason and adopted by that convention is the most complete summary of the rights of man and the principles of free government that has ever been furnished to the world. The Constitution of Virginia adopted on the 29th of June, 1776, continued in operation more than half a century. On the 5th day of October, 1829, another convention of intellectual giants assembled in the city of Richmond and adopted an amended Constitution on the 14th of January, 1830. That convention has never been surpassed in any age or any country in learning, wisdom, ability, and patriotism. In October, 1850, the third Constitutional Convention of Virginia assembled in this city and adopted an amended Constitution on the 31st day of July, 1851. It was composed of able and patriotic men, though not so distinguished, perhaps, as their predecessors of 1776 and 1829. During the dark days

of reconstruction, and before the passions engendered by the war had cooled, another convention assembled in this city in December, 1867, and adopted the Constitution under which we now live. That convention was composed, in great part, of aliens to the Commonwealth and newly emancipated slaves. Virginians to the "manor born," who owned the property, paid the taxes, and represented the virtue and intelligence of the State, were placed under the ban of proscription and excluded from its halls. The Constitution framed by that convention was adopted by the people of Virginia under duress and constraint as a condition precedent to the readmission of the State into the Union and its representation in Congress. It is not only obnoxious, as a matter of sentiment, on account of the circumstances attending its formation and adoption, but the government established by it is, in many respects, unsuited to existing conditions and unnecessarily expensive. After submitting patiently for more than thirty years, the people of Virginia have called this convention, and they will be grievously disappointed if we shall fail to reduce the expenses of our State, county, and city governments. That reduction can be accomplished by a thorough reform of our entire judiciary system and the abolition of all offices that may be dispensed with without detriment to the public service and with due regard to honest and efficient administration. The ordinary expenses of government must be met. The unfortunate insane, deaf, dumb, and blind must be provided for. We are bound by every consideration of duty and of honor to take care of our disabled Confederate veterans and smooth, as far as possible, their pathway to the grave. The time is not distant when the State will be required by law to pay a higher rate of interest on her public indebtedness. Under these circumstances, it becomes absolutely indispensable to reduce expenses if we would escape from additional burdens of taxation.

Another subject of transcendent interest and importance which will engage our attention is that of suffrage. The right of suffrage is not a natural right. It is a social right, and must necessarily be regulated by society. Virginia can regulate it within her own borders according to her sovereign will and pleasure, provided that in so doing she does not violate the Constitution of the United States. That Constitution does not confer the right of suffrage upon any citizen or class of citizens, but it prevents the State or the United States from giving preference to one citizen over another "on account of race, color, or previous condition of servitude." Before the adoption of the fifteenth amendment that could have been done. Now it cannot be. The white people of Virginia have no animosity or prejudice whatever towards the colored race. On the contrary, they entertain for the members of that race the most kindly feelings and desire to help them in every legitimate way, but they believe that the dominant party in Congress not only committed a stupendous blunder, but a great crime against civilization and Christianity when they turned a deaf ear to the advice of their wisest leaders and required Virginia and the other Southern States under the rule of the bayonet to submit to universal negro suffrage. The negro had just emerged from a state of slavery. He had no education. He had no experience in the duties of citizenship. He had no capacity to participate in the functions of government. The omniscient Ruler of the Universe for some wise purpose made him inferior to the white man, and ever since the dawn of history, as the pictured monuments of Egypt attest, he had occupied a subordinate position. In the language of a great Virginian on another occasion, "During the long revolving cycle of intervening time he had founded no empire, built no towered city, invented no art, discovered no

truth, bequeathed no everlasting possession to the future, through law-giver, hero, bard or benefactor of mankind." Under the circumstances existing at the period of reconstruction, the bestowal of universal suffrage upon the negro was a grievous wrong to both races. It would have been far better for the negro, as well as the white man, that intelligence should be permitted to govern. When the era of good feeling between the sections shall be entirely restored and all the hates growing out of the unhappy fratricidal strife "shall be forever in the deep bosom of the ocean buried," it may be that our Northern fellow-citizens for the good of our common country and the elevation of American citizenship may consent to the repeal of the fifteenth amendment. That would be "a consummation devoutly to be wished," but until that auspicious day shall come we must adapt ourselves to the conditions in which we are placed. The fifteenth amendment provide that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." It is a part of the supreme law of the land, and as such we are bound in honor and in good faith to observe and obey it. Subject to the limitations referred to, this convention undoubtedly has the power to provide for the restriction of suffrage as it may deem most wise and expedient. How is this difficult problem to be solved? It is not my province to suggest at this time what your action should be. That will be determined by your own superior wisdom after calm reflection and full deliberation. I beg leave, however, to call your attention briefly to the provisions on this subject which have been incorporated into the Constitutions recently adopted by some of our sister States of the South. The new Constitution of Mississippi adopted in November, 1890, which, with some modifications, has been adopted by South Carolina, confers the right of suffrage upon all the sane male inhabitants of the State, who have attained the age of twenty-one years, who have resided in the State two years, and one year in the district, city, or town where they offer to vote, who have never been convicted of certain infamous offences, and who, on or before the first day of February of the year in which they offer to vote, have paid all the taxes legally required of them, and which they had an opportunity to pay for the two preceding years, and who shall have been duly registered as voters as required by the Constitution. It requires also a poll-tax of \$2.00 to be paid to the State, and authorizes the counties to impose an additional poll-tax of not more than \$1.00; the whole of the poll-tax in both cases to be devoted exclusively to the common schools. It also provides that on and after the first day of January, 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the Constitution of the State, or he shall be able to understand the same when read to him or give a reasonable interpretation thereof. The validity of that Constitution has been sustained by the Supreme Court of the United States in the case of *Williams vs. Mississippi*, reported in Vol. 170 of the Supreme Court's reports. The court held unanimously that by its terms it did not conflict with the fourteenth and fifteenth amendments of the Federal Constitution. According to the testimony of men who enjoy the respect and confidence of the entire country, this plan has been found to be eminently satisfactory in Mississippi and South Carolina. Under its operation those two States have rapidly advanced in all the elements of material prosperity; there is less complaint of corruption in politics and the condition of the colored race is better than it has been since their enfranchisement in the days of reconstruction. The new Constitution of Louisiana disfranchises all citizens of that State who are unable to read and write except the owners of \$300 of taxable

property, upon which the taxes have been paid, and those who were entitled to vote on the first day of January, 1867, under the laws of any State of the United States in which they then resided, and any son or grandson of such persons twenty-one years of age at the adoption of the Constitution. In the summer of 1900 the people of North Carolina, by an overwhelming majority, adopted an amendment to their State Constitution which prevents any citizen from voting who is unable to read and write, but excepts from the operation of that clause all those who were entitled to vote in any State on the first day of January, 1867, or at any time prior thereto, or who are descended from any such voters. The Louisiana and North Carolina plan has been strongly endorsed by many wise and patriotic statesmen, but it has not yet been subjected to the test of judicial scrutiny, and learned lawyers differ as to its validity under the limitations of the Federal Constitution. The Constitution of the State of Georgia, one of the most progressive and prosperous of all the Southern States, provides that every male citizen of the United States, twenty-one years of age, who shall have resided in that State one year next preceding the election, and shall have resided six months in the county in which he offers to vote, and shall have paid all taxes which may have been required of him, and which he may have had an opportunity to pay except for the year of the election, shall be deemed an elector.

In addition to the plans referred to, it has been recommended by some whose opinions are entitled to the greatest respect that the best solution of the problem would be the insertion of a suffrage clause in the new Constitution requiring the payment of a capitation tax as a prerequisite, the payment of all other taxes, and prescribing an educational or property qualification, with an exception in favor of those and the descendants of those who have rendered military service to the State or country in time of war. It is not to be supposed that this convention will be content to copy in every particular the work of any other body. We are here as Virginians to frame a Constitution for Virginia. She has been accustomed heretofore to lead and not to follow, but I have thought that it might not be altogether inappropriate to call attention to the experience of our sister States of the South which have been confronted with similar conditions. Permit me to express the earnest hope that as the beneficent result of any suffrage plan you may adopt, politics in this State will be so purified that in all the years to come her escutcheon shall never be stained by any act of fraud, bribery, false registration, false counting, or any debauching and demoralizing methods in the conduct of elections. The safety and perpetuity of our free institutions depend upon the purity and inviolability of the ballot.

In addition to the subjects to which I have adverted, there are others of great interest and importance, such as the adoption of a wise and equitable system of taxation and the correction of unequal and unjust assessment of property, both real and personal; the regulation of the trusts as far as it can be done under the limitations of the Federal Constitution, so as to protect our people, if possible, from the encroachment of corporate greed and corporate power; and the adoption of a liberal system of public instruction so that all the children of the Commonwealth may receive the benefits and blessings of a common school education, and so as to secure larger appropriations for the schools and longer school terms.

In this the opening year of the twentieth century, as we look down the far-reaching slope of the century that has passed, we have abundant reasons to render thanksgiving to the Omnipotent Ruler that thus far "He hath led us on, and thus far His power hath preserved our ways." Invoking His guidance and blessings

upon our work, mindful of the proud traditions of the Commonwealth, but looking to the future rather than to the past, animated by a spirit of fairness and justice to all classes and to all interests, let us dedicate ourselves to the task of framing a Constitution for Virginia that will be suited to her present conditions and worthy of her ancient renown—a Constitution that will establish justice, insure domestic tranquility, and promote the welfare of all her people—a Constitution that will attract to her borders immigration and capital to assist in developing her untold treasures of soil and mine and forest and river—a Constitution under which she may move forward through the coming years over the bright track of progress upon a new career of prosperity and glory.

The first great debate of the convention was precipitated at the very outset by a proposition that the members before entering upon their duties take the oath, prescribed by the old Constitution, for officers of the State. The real question at issue was, "Are the members of the convention officers of the State?" The advocates of the oath proposal took the ground that if the members were not sworn as officers of the State their acts would be those of individual citizens, and therefore without force and effect. The opponents of this view contended that the members were not officers of the State, but were the people, their authority being delegated to them directly by the people, whose agents they were. It was further maintained by the opponents of the oath proposition that the convention, avowedly called to revise and amend the Constitution, could not consistently take an oath to support and maintain that which they were convened to alter or supersede. Some even went so far as to say that the members in taking such an oath would stultify themselves.

The debate continued for several days, many of the ablest men in the body participating in it. Authorities were cited on both sides and powerful arguments were made, the discussion being characterized by the greatest earnestness. It was not until June 28th that the debate ended and a vote was had. This resulted in a victory for the opponents of the oath proposition by a vote of 69 to 14. The Republican members of the convention who voted, save one, were among the minority, but it included also several of the most prominent Democratic members. Thus ended the first great battle of the convention.

The great struggle of the convention, however, and the most brilliant debate was that on the question of ordaining or submitting the finished Constitution, and, if submitted, whether to the new or restricted electorate created by the convention itself or the old or full electorate which created the convention. This question early assumed prominence, but it was not until near the closing days of the session, after the work of drafting the Constitution had been practically completed, that the question was decided. Up to that time the idea had prevailed that the work of the convention would be submitted to the people for ratification or rejection. When the convention was first assembled there were not more than a dozen avowed advocates of proclamation, and it was not until the session was drawing to a close that the movement for proclamation began to manifest formidable strength.

The convention had been at work for a year at a great sacrifice of personal and private interests to many of the members. The Constitution framed was one which commended itself to the overwhelming majority of the members and to many citizens. To submit it meant a campaign in which the work of canvassing and explaining the provisions of the new organic law would devolve upon the

members, already weary with their long and exhausting labors and eager to get back to their private business and the duties of their professions. The unwillingness to make this further and, many believed, unnecessary sacrifice, the belief that the Constitution would command the endorsement of the new or restricted electorate, if submitted, and the expense that would be incident to a canvass and election, and, last of all, a conviction upon the part of many of the members that the convention had the power to ordain its work and was under no real obligation to submit it, gave rise to the demand for proclamation. Furthermore, proclamation was strenuously urged by many of the most influential members. Others contended that it would be absurd to submit to the full electorate for ratification a constitution which in its effect practically disfranchised a large proportion of it. These members favored the submission of the instrument to the new or restricted electorate, created by the Constitution itself. To do this involved a proclamation of the suffrage article of the Constitution. The advocates of outright proclamation and of submission alike opposed submission to the restricted electorate, contending that it amounted to proclamation, with all the expense incident to submission. The advocates of submission generally contended that the members were in most cases morally bound to submit to the people, whose agents and representatives they were, the work of the convention. Force was given to this contention by the fact that 88 per cent. of the members were Democrats, and that the State Democratic Convention, held at Norfolk immediately prior to the submission of the question of calling a convention, had in endorsing the convention movement declared it the sense of the party, as expressed in mass convention, that the Constitution when framed should be submitted to the people. It was contended that but for this pledge the movement for a constitutional convention would not have carried, and that, being Democrats, the majority of the convention were pledged by the action of their party to submission. The submissionists further contended that the Constitution was a good one, and that there was no danger of its rejection if submitted to the full electorate. They took the ground that to proclaim the suffrage clause and submit the remainder to the electorate thereby created embodied all the objections to outright submission, yet entailed all the expense of submission. The action of the General Assembly in providing for the selection of delegates to the Constitutional Convention, approved February 16, 1901, specifically stipulated in the preamble to the act that the revised and amended Constitution should be submitted to the people of the State of Virginia for ratification or rejection. This the advocates of submission claimed required the convention to submit its work.

The question of proclamation came up in the early days of the session in connection with the consideration of the report of the Committee on Preamble and Bill of Rights. It was precipitated by the amendment of Mr. Wysor, of Pulaski, to the report of the committee, providing that the language of the preamble should contain the word submit rather than the word ordain. Immediately the great issue was joined, and a debate ensued, which, in the opinion of many, was the greatest debate of the entire Convention. Nearly all the most brilliant and powerful debaters in the body participated, and the question was considered from every standpoint. Numerous authorities were quoted and precedents adduced pro and con. Finally, after having consumed nearly three weeks, it was decided that it would be wiser to defer decision of the question until the Constitution was framed. It was argued that the debate at that time was premature, and that the

further consideration of the preamble should be postponed until the convention had completed its work.

The first debate on the proclamation question was concluded in September, 1901. It was not until the late spring and early summer of 1902 that the discussion was resumed and the question decided. A vote was reached, after a second discussion of the question, on the 29th of May, 1902, resulting in favor of proclamation by a vote of 47 to 38. Immediately after the vote was announced, Mr. R. Walton Moore, of Fairfax, who had persistently opposed proclamation, proposed the following resolution:

"Resolved, That as it has been determined to proclaim the Constitution, provision should be made for its recognition, when adopted, by the political departments of the Government, and to that end the General Assembly shall be convened at an early date."

Even the most ardent supporters of proclamation realized that their victory might become a barren one unless thus recognized before the validity of the Constitution could be tested in the courts. Hence Mr. Moore's resolution was adopted without opposition, referred to the Committee on Final Revision, and incorporated into section 19 of the Schedule. In obedience to the requirements of the above named section, the Governor issued his proclamation on the 27th of June, 1902, convening the General Assembly in extraordinary session on the 15th of July, 1902. The General Assembly accordingly assembled, and took the oath to support the Constitution, prescribed by section 22 of the Schedule. After this was done the strongest opponents of proclamation admitted that the new Constitution could not be successfully assailed in the courts.

On the 19th of September, 1901, the regular business of the convention was dispensed with and memorial services were held in memory of the late President William McKinley. President Goode addressed the convention, after which he introduced Rev. Dr. W. V. Tudor, of the Methodist Episcopal Church, South, who conducted the memorial services. Addresses were made by Rev. Dr. Tudor, Governor J. Hoge Tyler; Judge R. H. Cardwell, of the Court of Appeals; Hon. Henry T. Wickham, President *pro tem.* of the State Senate, and the following members of the convention: Rev. Dr. Richard McIlwaine, J. H. Ingram, T. L. Moore, Robert W. Blair, and William A. Anderson.

On the 1st day of January, 1902, Hon. A. J. Montague, Hon. Joseph E. Willard, and Hon. William A. Anderson took the oath of office as Governor, Lieutenant-Governor, and Attorney-General, respectively, before Judge James Keith, President of the Court of Appeals, in presence of the convention.

The Constitution was adopted on the 6th of June, 1902, by a vote of 90 to 10, and on the same day the Schedule was also adopted.

On the 7th of June the Ordinance of Registration was adopted; reconsidered on the 25th of June, amended and adopted finally on the same day.

On the 26th of June, 1902, the following ordinance was adopted:

"Be it ordained by the delegates of the people of Virginia, in convention assembled, that—

"Section 1. All charters heretofore granted by special acts of the General Assembly of this State, which, by their provisions, may expire, or which may be forfeited for any non-performance of any requirement therein, between the first day of May, nineteen hundred and two, and the first day of May, nineteen hun-

dred and three, are hereby extended to the first day of May, nineteen hundred and three. But this ordinance shall not operate to extend the charter of any corporation or to postpone any forfeiture thereof till said last named date, unless and until such company shall have paid into the treasury of the State the charter fee now prescribed by law.

"Sec. 2. This ordinance shall be in force from its passage."

The new Constitution was handsomely engrossed on very heavy quality of paper by Prof. William M. Wagner. The members of the convention proceeded on the 25th and 26th of June to attach their signatures to the new organic law. It was signed by eighty-five Democratic and two Republican members. The ten Republican members who did not sign are Messrs. Blair, Bristow, Davis, Earman, Gillespie, Thomas L. Moore, Pedigo, Phillips, Summers, and Walter. The two Republican members who attached their signatures are Messrs. Lincoln and Mundy. The three Democratic members who failed to sign are Messrs. Walker, Orr, and Harrison, the two first named being absent on account of sickness and the last named was absent holding court in his judicial circuit.

ADJOURNMENTS.

The convention took a recess from August 3, 1901, to August 22, 1901. The excessively hot weather and the election of delegates to the State Democratic Convention, held at Norfolk to nominate candidates for Governor, Lieutenant-Governor, and Attorney-General, prompted the recess. The convention again adjourned from October 25th to November 7th on account of the November State election. On the 20th of December the convention adjourned to January 1, 1902, in order that the members might spend the Christmas holidays at home. On April 4th the convention adjourned to May 22d, in order to give the Committee on Final Revision ample time to revise the new Constitution. On the 7th of June the convention adjourned to June 25th, to allow the Committee on Enrollment to have the Constitution engrossed and printed.

On the 26th of June, 1902, at 4:43 o'clock P. M., President Goode declared the convention adjourned *sine die*.

Under the provisions of section 22 of the Schedule, the Constitution went into effect on the 10th day of July, 1902. On that date, at noon, the Governor qualified under the new Constitution by taking the oath to support the same. All other executive officers at the seat of government, the members of the Supreme Court of Appeals, judges of circuit, county, and corporation courts, qualified under the new Constitution from the 10th to the 20th of July, inclusive, the time allowed them in which to take the oath or vacate their respective offices.

Under the new Constitution women became eligible to the office of notary public. The first official act of the Governor, after the Constitution went into effect, was the appointment of Miss Carrie M. Gregory, of Lynchburg, as a notary public, her commission being dated July 10, 1902.

As before stated, the General Assembly convened on the 15th of July, 1902, and recognized the new Constitution. The members and officers of both houses of the General Assembly, with one exception, subscribed to the oath prescribed by the new Constitution. E. P. McLean, a Republican member of the House of Delegates from the county of Mecklenburg, refused to take the oath. The Speaker of the House of Delegates directed the Clerk to omit the name of E. P. McLean from the roll call, and thus he was prevented from voting on questions before the body.

Nothing further was done in the matter, but it is the opinion that some formal action will be taken when the General Assembly reconvenes on November 12, 1902.

The Constitution framed, adopted, and proclaimed by this Convention differs materially from the old Constitution. Every article of the old Constitution was revised and amended, and the incorporation of Article XII., governing corporations, into the new Constitution is a radical innovation in the fundamental and statutory laws of the State governing these institutions in the past.

Further discussion of the amendments made to the old Constitution is unnecessary, as both the old and the new are appended here, and the reader can trace the changes made, for himself.

As to the personnel of the convention, it can be said that a more faithful and painstaking set of men never sat in a deliberative assembly. For ability, logical reasoning, and eloquence, the Convention of 1901-'2 would compare favorably with any legislative body in the country, the United States Senate and House of Representatives not excepted. For honesty of purpose and earnest solicitude for the welfare of the State, and for patriotic, laborious effort to give the people of Virginia a good Constitution, the members of this Convention have not been excelled by any who ever served in a similar body.

MEMBERS

Constitutional Convention 1901-'02.

[Postoffice addresses follow names.]

OTWAY S. ALLEN, Richmond, Va. Democrat. Born in Richmond city April 8, 1851. Educated in private schools of Richmond, and graduated from Virginia Military Institute. Member Board of Aldermen Richmond city since 1892; now Vice-President of that Board. Chairman Committee on Streets and member Finance Committee. Retired from business. Formerly farmer and later President Richmond Standard Spike and Iron Company. At one time President Westmoreland Club. Entered the Confederate army as private, promoted to lieutenant, captain, and then major First Battalion Virginia Volunteers. Qualified as member Constitutional Convention December 5, 1901, in place of Virginius Newton, resigned.

GEORGE KIMBROUGH ANDERSON,* Clifton Forge, Va. Democrat. Born in Louisa county, Va., March 6, 1860. Educated at the public free schools and Harmony Academy. Lawyer. Commonwealth's Attorney of Louisa county 1887. Elected Judge of Alleghany and Craig counties 1887, which position he still retains.

WILLIAM A. ANDERSON, Lexington, Va. Democrat. Born in Botetourt county May 11, 1842. Educated at Washington and Lee; B. L. of University of Virginia. Lawyer. Member Senate of Virginia 1869-'73; House of Delegates 1883-'89. Commissioner to Paris Exposition in 1878. President Virginia Bar Association 1900. Elected President *pro tempore* Convention 1901-'2. Elected Attorney-General of Virginia November, 1901. William Aylett, great-grandfather, of King William county, member Burgesses 1772-'73, '74 and '75, and delegate in the Conventions of August 1, 1774; March 20, 1775; July 17, 1775; December 1, 1775, and May 6, 1776. John T. Anderson, of Botetourt, uncle, was delegate in Convention of 1850-'51.

RUFUS A. AYERS, Big Stone Gap, Va. Democrat. Born in Bedford county May 20, 1849. Educated at Bristol, Va. Lawyer and banker. Commonwealth's Attorney Scott county 1875-'79. Attorney-General of Virginia 1886-'90. Chairman Committee on Public Institutions and Prisons in Convention of 1901-'2.

JOHN STRODE BARBOUR, Culpeper, Va. Democrat. Born in Culpeper county August 10, 1866. Educated at public and private schools. Bachelor of Laws University of Virginia. Lawyer. His father, James Barbour, represented Culpeper county in the Conventions of 1850-'51 and 1861. John S. Barbour, a delegate in the Convention of 1829-'30, was his grandfather. Philip P. Barbour, of Orange, who was elected to the presidency of the Convention of 1829-'30, after the resignation of James Monroe as President, was second cousin to his father. James M. Barbour, who represented Jefferson county in the Convention of 1861, and who was commandant of the Harper's Ferry arsenal at the time of the John Brown raid, afterwards General Joseph E. Johnston's chief quartermaster while in Virginia, was his uncle.

JOSEPH L. BARHAM, Newsoms, Va. Democrat. Born in Southampton county September 21, 1846. Educated at the Virginia Military Institute. Merchant and farmer. Reassessor of lands in 1870. Magistrate. Deputy sheriff. Supervisor. Sheriff 1877. Served in the Confederate army from February, 1863, to close of war.

MANLY HOWELL BARNES, Boulevard, Va. Democrat. Born in James City county July 25, 1854. Educated at Baltimore City College; B. A. of St. John's College, Annapolis, Md. Studied law at University of Virginia. Lawyer and farmer. Member Virginia Senate 1893-1899. Commonwealth's Attorney New Kent county since July 1, 1883.

THOMAS H. BARNES, Ellwood, Va. Democrat. Born in Nansemond county in 1833. Educated at local academy and University of Virginia. M. D. of Medical College of Virginia. Formerly practicing physician, now farmer. Supervisor since 1870. Member House of Delegates 1873 to 1891, and State Senate from 1891 to 1895. Chairman Committee on County Organization, Convention 1901-1902.

ROBERT WILLIAM BLAIR, Wytheville, Va. Republican. Born at Wytheville, Va., January 22, 1873. Educated at University of Virginia. Nominated by State Republican Convention for Lieutenant-Governor of Virginia in 1901; subsequently resigned from the ticket on account of being under the age limit required by the Constitution.

WILLIAM H. BOAZ, Covesville, Va. Democrat. Born in Albemarle county July 21, 1852. M. A., B. L. of the University of Virginia. Farmer. Member House of Delegates 1889-'90. Re-elected to House of Delegates 1895, 1897, 1899, and 1901. Chairman Finance Committee of the House at sessions of 1899-1900 and 1901-1902.

D. W. BOLEN, Hillsville, Va. Democrat. Several times member House of Delegates. Formerly Judge of the Circuit Court of his district. Lawyer.

WOOD BOULDIN, Houston, Va. Democrat. Born at Charlotte Courthouse, Va., September 28, 1838. Educated at the University of Virginia. Lawyer and farmer. At one time member of the State Democratic Committee. Delegate to National Democratic Convention 1884. His father, Wood Bouldin, represented Charlotte county in the Convention of 1861, and subsequently was a member of the Supreme Court of Appeals of Virginia.

ALLEN CAPERTON BRAXTON, Staunton, Va. Democrat. Born in Monroe county, W. Va., February 6, 1862. Educated at Pampatike Academy, King William county. Lawyer. City and Commonwealth's Attorney of Staunton 1886 to 1900. Chairman Committee on Corporations, Convention 1901-'2. Descended from George Braxton through Carter Braxton, George Braxton, Corbin Braxton, and Dr. Tomlin Braxton. George Braxton represented King and Queen county in the House of Burgesses almost continually from 1718 to 1761, when he died a member of that body. Carter Braxton, son of George Braxton, represented King William county in the House of Burgesses from 1761 to 1771, and again in 1775, when the Burgesses held their last session. He was also a member of the first House of Delegates after the Revolution, and he was one of the signers of the Declaration of Independence. George Braxton, the son of Carter Braxton, was the father of General Corbin Braxton, a delegate to the Convention of 1850-'51, and his son, Dr. Tomlin Braxton, was the father of the subject of this sketch. Allen T. Caperton, who represented Monroe county in the Conventions of 1850-'51 and 1861, was an uncle on his mother's side.

JOSEPH A. BRISTOW, Saluda, Va. Republican. Born in Middlesex county September 17, 1838. Educated at Oaken Ham and Centreville Academies. Farmer. Presidential elector 1892. Republican nominee for Congress from First District 1898. Inventor of the deep-water oyster tongs.

DAVID TUCKER BROOKE, Norfolk, Va. Democrat. Born at Richmond. Educated at University of Virginia. Lawyer. Judge of the Corporation Court of Norfolk city 1884 to 1895. Chairman of Committee on Cities and Towns in Convention of 1901-'2.

JOHN THOMPSON BROWN, Brierfield, Va. Democrat. Born in Hanover county February 19, 1861. Educated at McCabe's and the University of Virginia. Farmer. Member House of Delegates 1891-'92. Member Board of Visitors Virginia Polytechnic Institute.

WILLIAM EVELYN CAMERON, Petersburg, Va. Democrat. Born in Petersburg November 29, 1842. Educated at Petersburg Military Academy, Hillsboro, N. C., and Washington University, St. Louis, Mo. Lawyer. Mayor of Petersburg 1876 to 1882. Readjuster Governor of Virginia 1882 to 1886. Chairman of Committee on the Executive Department in Convention of 1901-'2.

CLARENCE J. CAMPBELL, Amherst, Va. Democrat. Born in Amherst county May 31, 1863. Educated at Virginia Military Institute. Lawyer. Member House of Delegates 1891 to 1898. Judge of Amherst County Court since 1898. Member of Governor Tyler's staff, with rank of Colonel.

PRESTON W. CAMPBELL, Abingdon, Va. Democrat. Born at Abingdon January 24, 1874. Educated at Abingdon Male Academy and University of Virginia. Lawyer. Arthur Campbell, grand uncle, delegate in Convention of 1776 from Fincastle county, now Washington. Edward Campbell, grandfather, delegate in Convention of 1829-'30. Connally F. Trigg, uncle, delegate in Convention of 1850-'51. John A. Campbell, uncle, delegate in Convention of 1861. Joseph T. Campbell, uncle, delegate in Convention of 1867-'68.

HILL CARTER, Ashland, Va. Democrat. Born in Caroline county April 12, 1846. Lawyer. B. L. of Washington and Lee University. Commonwealth's Attorney of Hanover county 1876. Presidential elector 1880.

HUNTER B. CHAPMAN, Woodstock, Va. Democrat. Born in city of Winchester March 24, 1866. Educated at Winchester. Railroad agent, farmer, merchant, and Mayor of Woodstock.

WILLIAM L. COBB, Penola, Va. Democrat. Born September 5, 1850. Educated in the public schools of his county. Farmer and lumber dealer.

H. F. CRISMOND, Fredericksburg, Va. Democrat. Born in Spotsylvania county June 15, 1849. Merchant. Member of General Assembly 1885-'87. Member Democratic State Central Committee.

JOHN WARWICK DANIEL, Lynchburg, Va. Democrat. Born in Lynchburg. Lawyer. Educated at Lynchburg College, Dr. Harrison's Academy, and University of Virginia. LL.D. of Washington and Lee University and University of Michigan. Member Virginia House of Delegates 1865-'70; Senate 1874-'81. Member United States House of Representatives 1885-'87, and of the United States Senate since 1887. Elector at large for Tilden 1876. Delegate at large to the National Democratic Conventions of 1880, 1888, 1892, 1896, and 1900. Democratic nominee for Governor of Virginia, 1881. Chairman of Committee on the Elective Franchise, Qualification for Office, Basis of Representation and Apportionment, and on Elections in Convention of 1901-'2. Mason, thirty-third degree.

B. A. DAVIS, Rocky Mount, Va. Republican. Born in Franklin county September 27, 1868. Educated in public schools, Shenandoah Normal College, and Georgetown University. Commonwealth's Attorney Franklin county one term. Held clerkship in Washington under President Harrison's administration. Nominated by Republican Convention for Congress from Fifth District 1902.

WAYLAND FULLER DUNAWAY, Brookvale, Va. Democrat. Born in Lancaster county December 26, 1841. Educated at the academies of Northumberland and Lancaster counties and Columbian University and University of Virginia. Captain in Confederate army. Admitted to the bar in 1867. Entered the ministry 1872. D. D. conferred by Richmond College 1894.

GEORGE N. EARMAN, Penn-Laird, Va. Republican. Born in Rockingham county January 12, 1852. Farmer. Educated at University of Virginia. Commissioner of Revenue since 1887.

DAVID Q. EGGLESTON, Charlotte Courthouse. Democrat. Born in Charlotte county June 10, 1857. Educated at Hampden-Sidney College and University of Virginia. Lawyer. State Senator 1897-1901. Member Democratic State Central Committee, and Chairman Sixth Congressional District Committee. Elected Secretary of the Commonwealth, 1901.

BRANCH J. EPES, Dinwiddie, Va. Democrat. Born in Nottoway county. Educated at Hampden-Sidney College and University of Virginia. Lawyer and farmer. Captain of artillery in Confederate army. Commonwealth's Attorney for Dinwiddie county from 1868 to 1886. Judge of Dinwiddie County Court since 1886.

HENRY FAIRFAX, Aldie, Va. Democrat. Born in Alexandria city May 4, 1850. Educated at Virginia Military Institute. Farmer; formerly civil engineer. State Senator from 1890 to 1900. Chairman Committee on Taxation and Finance in Convention 1901-'2, after Virginius Newton's resignation.

ALBERT FLETCHER, Warrenton, Va. Democrat. Born near Warrenton. Merchant. Educated at the public schools. Served in the Confederate army.

H. D. FLOOD, West Appomattox, Va. Democrat. Born in Appomattox county September 2, 1865. Educated in the public schools of Appomattox and Richmond city, Washington and Lee University, and the University of Virginia, graduating from the latter institution with degree of bachelor of laws June, 1886. Member House of Delegates 1887-'88. Elected to State Senate 1891, 1895, and 1899. Elected Commonwealth's Attorney for Appomattox county 1891, 1895, and 1899. Presidential elector 1892. Elected to Congress from Sixth District 1900. Renominated in 1902.

G. TAYLOR GARNETT,* Mathews, Va. Democrat. Born in Essex county. Lawyer. Educated by private tutors and at Virginia Military Institute. Superintendent of Schools and Commonwealth's Attorney for Mathews county twelve years. Judge County Courts of Mathews and Middlesex counties since 1885.

ALBERT P. GILLESPIE, Tazewell, Va. Republican. Born in Tazewell county April 3, 1855. B. A. of Emory and Henry College. Formerly Attorney for Commonwealth of Tazewell county. Lawyer.

JAMES WILLIAM GILMORE, Gilmore's Mills, Va. Democrat. Born in Rockbridge county December 7, 1851. Educated at Virginia Military Institute. Farmer.

CARTER GLASS, Lynchburg, Va. Democrat. Born in Lynchburg January 4, 1858. Editor. Educated in private and public schools. Member of State Senate, from which he resigned in 1902. Chairman Committee on Reporting in Convention of 1901-'2. Nominated in 1902 to represent the Sixth District in the House of Representatives.

JOHN GOODE, Bedford City, Va. Democrat. Born in Bedford county May 27, 1829. Lawyer. Educated at New London Academy and the University of Virginia. College degrees, M. A. and LL.D. Represented Bedford in General Assembly 1857, and was again elected to that body from the city of Norfolk in 1867. Represented Bedford in the Secession Convention of 1861. In the winter of 1861-'62, while in the army, was elected to the Confederate Congress, and re-elected in May, 1863. In 1874 elected to Congress from the Norfolk district, and re-elected in 1876. During the 45th and 46th Congresses acted as chairman of the Committee on Education and Labor. Presidential elector in 1852, 1856, and 1884. President of the State Democratic Convention 1872, and again in 1887. Member of the National Democratic Committee from 1868 to 1876. Served as a member of the Board of Visitors of the University of Virginia, William and Mary College, and Virginia Polytechnic Institute. Appointed Solicitor-General of the United States 1885, and in 1892 appointed member of International Commission to adjust claims between United States and Chili. Served one term as President of the State Bar Association. While a member of the United States House of Representatives he sometimes presided in Committee of the Whole, and on one occasion was appointed Speaker *pro tem.* of that body. Elected President of the Convention of 1901-'2, over which body he presided with marked ability and impartiality.

BENNETT TAYLOR GORDON, Lovingsston, Va. Democrat. Born in Nelson county February 6, 1855. Lawyer. Educated at University of Virginia. Commonwealth's Attorney of Nelson county since 1891.

JAMES WADDELL GORDON, Richmond, Va. Democrat. Born in Richmond city January 8, 1869. Lawyer. Educated in public schools. B. L. of Richmond College. Chairman Democratic party of Richmond city 1900-1901.

- BERRYMAN GREEN**, Danville, Va. Democrat. Born in Danville March 31, 1836. Lawyer. B. A. of University of North Carolina. Attorney for Commonwealth, Danville, 1869-'71. Judge of Fourth Judicial Circuit, Virginia, from 1879 to 1881. Chairman Committee on Preamble and Bill of Rights, Convention 1901-1902.
- ROGER GREGORY**, Richmond, Va. Democrat. Represented King William and Hanover counties in the convention. Born at Moore's, King William county, April 3, 1833. B. L. University of Virginia. Dean of Law Faculty of Richmond College; LL.D. same institution. Formerly Judge County Court of King William, 1870. Member of Virginia House of Delegates 1880-'82. Served in Confederate army.
- T. L. GWYN**, Elk Creek, Va. Democrat. Born in North Carolina November 9, 1842. Educated at Jonesville High School. Organized company at age of twenty to enter Confederate army. Was wounded in battle, after which time was assigned to duty at Salisbury prison until close of war. Was in manufacturing business in North Carolina after the war. Moved to Virginia five years ago and engaged in farming.
- ALEXANDER HAMILTON**, Petersburg, Va. Democrat. Educated at Virginia Military Institute. Graduated in law at Washington and Lee. Lawyer. President Board of Visitors Virginia Military Institute. Vice-President and general counsel Atlantic Coast Line Railroad Company.
- BEVERLY AUGUSTUS HANCOCK**,* Manchester, Va. Democrat. Born in Chesterfield county September 18, 1847. Educated mainly at home. Commonwealth's Attorney Chesterfield county 1877 to 1886. Delegate to National Democratic Convention 1884. Judge Second Judicial Circuit since 1886. Superintendent Schools Chesterfield county 1870 to 1877, and Manchester 1874 to 1882.
- L. A. HARDY**, Tinkling, Va. Democrat. Born in Lunenburg county May 3, 1851. Educated in private schools and Randolph-Macon College.
- THOMAS W. HARRISON**,* Winchester, Va. Democrat. Born at Leesburg August 6, 1856. M. A. and B. L. of University of Virginia. Member State Senate 1887 to 1895. Judge of Twelfth Judicial Circuit since May, 1895.
- GOODRICH HATTON**, Portsmouth, Va. Democrat. Born in Norfolk county May 8, 1862. Lawyer. Educated at Norfolk Academy. B. L. University of Virginia.
- JAMES MURRY HOOKER**, Stuart, Va. Democrat. Born in Patrick county October 29, 1873. Lawyer. Educated at College of William and Mary. B. L. Washington and Lee University. Commonwealth's Attorney Patrick county since 1897. Member State Democratic Central Committee.
- E. W. HUBARD**, Curdsville, Va. Democrat. Born in Buckingham county August 5, 1855. Educated at University of Virginia. Commonwealth's Attorney of Buckingham county since 1877. Served in both branches of the General Assembly for a number of years.
- EPPEA HUNTON, JR.**, Richmond, Va. Represented Fauquier county. Since removed to Richmond. Democrat. Born April 14, 1855, in Prince William county. Lawyer. Educated at Bellevue Academy. B. L. University of Virginia. Member House of Delegates 1893-'94. Chairman Committee on the Judiciary in Convention of 1901-1902. His father, General Eppa Hunton, represented Prince William county in the Convention of 1861, but resigned after the adoption of the ordinance of secession, to enter the Confederate service. He was a member of Congress from 1873 to 1881, during which period he served on some of the most important committees of Congress, being placed on the Committee on Military Affairs when he first entered Congress. He was a member of the Electoral Commission which decided the Hayes-Tilden contest for President. He also represented Virginia in the United States Senate from 1892 to 1895.
- HENRY INGRAM**, Manchester, Va. Democrat. Born March 17, 1862, in Culpeper county. Educated at "McGuire's." B. L. Richmond College and University of Virginia. Lawyer. Judge Corporation Court of Manchester since 1887.
- CLAGGETT B. JONES**, Brington, Va. Democrat. Born in King and Queen county April 29, 1857. Lawyer. Educated at Richmond College and University of Virginia. Commonwealth's Attorney King and Queen county since 1887.

GEORGE W. JONES, Chestnut Level, Va. Democrat. Born at Chatham, June 1, 1832. Farmer. Educated in old field schools of that day. Served as Lieutenant in Confederate army.

GEORGE B. KEEZELL, Keezeltown, Va. Democrat. Born in Rockingham county. Educated in public schools and Collegiate Institute, Baltimore, Md. Farmer. Member State Senate 1883 to 1885, and also since 1895. Member State Board of Fisheries.

GILMOR S. KENDALL, Eastville, Va. Democrat. Judge County Court of Northampton. Educated at University of Virginia. Lawyer. Democratic nominee for Congress from First District, but was defeated.

JOHN W. LAWSON, Smithfield, Va. Democrat. Born in James City county September 13, 1837. Educated at College of William and Mary, University of Virginia, and University of New York. Physician. Served six terms in House of Delegates and one term in State Senate. Member Fifty-second Congress.

ALANSON TILMAN LINCOLN, Marion, Va. Republican. Born at Broadford October 23, 1858. Educated in public schools of Marion. Manufacturer. Chairman Marion School Board since 1895. Member Town Council of Marion.

JAMES H. LINDSAY, Charlottesville, Va. Democrat. Born in Fauquier county December 29, 1862. Editor. Educated by his father, Prof. S. C. Lindsay. Formerly City Treasurer and postmaster of Kernersville, N. C. Member Board of Visitors School for the Deaf and Blind. Chairman Committee on Journal and Enrollment of Ordinances, etc., in Convention of 1901-1902.

E. H. LOVELL, Locust Dale, Va. Democrat. Born in Madison county March 10, 1864. Educated at Locust Dale Academy and University of Virginia. Taught in Locust Dale Academy for a number of years. Farmer.

JAMES W. MARSHALL, Newcastle, Va. Democrat. Born in Augusta county March 31, 1844. Lawyer. Commonwealth's Attorney Craig county for ten years; House of Delegates one term; State Senate two terms. Member Fifty-third Congress and presidential elector at large.

RICHARD MCILWAINE, Hampden-Sidney, Va. Democrat. Born in Petersburg May 20, 1834. Educated at Hampden-Sidney College, University of Virginia, University of Tennessee, Seminary and Free Church College of Edenborough. President Hampden-Sidney College. Degrees, A. B., A. M., D. D., LL.D. Chaplain in Confederate army. Formerly pastor of several prominent churches. Chairman Committee on Education and Public Instruction in Convention of 1901-1902.

CHARLES V. MEREDITH, Richmond, Va. Democrat. Born in Richmond. Educated in private schools and Richmond College. Lawyer. City Attorney of Richmond 1885 to 1898.

CHARLES E. MILLER, Mount Airy, Va. Democrat. Born in Halifax county December, 1844. Farmer and miller. Educated at Lexington, Va.

THOMAS JEFFERSON MONCURE, Falmouth, Va. Democrat. Born in Caroline county November 12, 1832. Educated at Virginia Military Institute. Civil engineer and farmer. Major in the Confederate army.

ROBERT WALTON MOORE, Fairfax, Va. Democrat. Born February 26, 1859. Educated at Episcopal High School and University of Virginia. Lawyer. Formerly State Senator. Presidential elector 1892. Member Board of Visitors College of William and Mary, and also member Board of Visitors University of Virginia. Chairman Committee on the Legislative Department in the Convention of 1901-1902.

THOMAS LEE MOORE, Christiansburg, Va. Republican. Born February 10, 1865. Lawyer. Commonwealth's Attorney Montgomery county 1895 to 1899. Appointed United States District Attorney for the Western District of Virginia, 1901, by President Roosevelt.

JAMES MUNDY, Buchanan, Va. Republican. Banker.

VIRGINUS NEWTON, Richmond, Va. Democrat. Born in Norfolk October 27, 1844. President First National Bank of Richmond. President Union Bank of Richmond. First Vice-President South-Atlantic Life Insurance Company. Second Vice-President William R. Trigg Ship Company. B. L. University of Virginia. Served in Confederate army. Chairman Committee on Taxation and Finance in Convention of 1901-1902 until he resigned his seat in the convention.

DANIEL CULLEN O'FLAHERTY, Front Royal, Va. Democrat. Born at Seven Fountains July 20, 1862. Educated at Lebanon, Ohio. B. L. Washington and Lee University. Lawyer. Formerly Mayor Front Royal.

J. W. ORR, Jonesville, Va. Democrat. Born in Lee county July 19, 1841. Educated at Jonesville Academy. Sheriff Lee county three years; Clerk of County and Circuit Courts ten years; Judge County Court eight years. Lawyer, farmer, and merchant.

R. S. PARKS, Luray, Va. Democrat. Born in Rappahannock county June 4, 1839. Educated in common schools. Lawyer. Commonwealth's Attorney of Page county since 1885. Member House of Delegates from 1895 to 1901.

ABRAHAM L. PEDIGO, Preston, Va. Republican. Born in Patrick county July 23, 1839. Educated in schools of Patrick, Henry, and Carroll counties. Farmer. Represented Henry county in General Assembly 1887-'89. Mayor of Lexington, Ohio, 1863-'65.

WILLIAM B. PETTIT, Palmyra, Va. Democrat. Born in Fluvanna county October 10, 1825. Educated in old field schools and at Selma Academy. Lawyer and farmer. Commonwealth's Attorney Fluvanna county for many years. President State Bar Association 1898.

NATHAN PHILLIPS, Indian Valley, Va. Republican.

JOHN GARLAND POLLARD, Richmond, Va. Democrat. Born in King and Queen county August 4, 1871. Lawyer. Educated at the public schools, Richmond College, and Columbian University. Degree B. L. from Columbian University. Author of Pollard's Supplement to the Code of Virginia.

WILLIAM NATHANIEL PORTLOCK,* Norfolk, Va. Democrat. Born in Norfolk county 1854. Educated at Bethel Academy and University of Virginia. Lawyer. Formerly Clerk of Circuit Court of Norfolk county, and also Treasurer of said county. Judge Norfolk County Court since 1892.

JULIAN MINOR QUARLES, Staunton, Va. Democrat. Born in Caroline county September, 1848. Educated at Pine Hill and Aspen Academies and University of Virginia. Lawyer. Formerly Judge County Court of Augusta. Member Fifty-sixth Congress.

JAMES B. RICHMOND, Gate City, Va. Democrat. Born February 27, 1842. Educated in common schools. Lawyer. Member House of Delegates 1874-'75. Judge Scott County Court. Member Forty-sixth Congress. Colonel in Confederate army.

TIMOTHY RIVES, Rives, Va. Democrat. Born in Prince George county November 2, 1854. Educated at private school and Virginia Polytechnic Institute. B. L. Richmond College. Lawyer. Formerly Superintendent Public Schools Surry county. Judge Surry and Prince George County Courts since 1884.

WILLIAM GORDON ROBERTSON, Roanoke, Va. Democrat. Born in Charlottesville February 12, 1856. B. L. and A. B. University of Virginia. Lawyer. Formerly Judge Hustings Court of Roanoke city.

FRANCIS LEE SMITH, Alexandria, Va. Democrat. Born in Alexandria October 6, 1845. Educated at Virginia Military Institute. Lawyer. Formerly City Attorney and member Board of Aldermen of Alexandria. State Senator 1879 to 1883. Member Board of Visitors Virginia Military Institute. Officer in Confederate army. Belonged to the V. M. I. Cadet Corps and was wounded in the battle of New Market.

- JOSEPH STEBBINS**, South Boston, Va. Democrat. Born in Petersburg June 14, 1850. Educated in private schools Halifax county and Tighe's Classical School. Merchant. President Bank of South Boston.
- HENRY CARTER STUART**, Elk Garden, Va. Democrat. Born at Wytheville January 18, 1855. Educated at Emory and Henry College (A. B.) and University of Virginia. Farmer and business man. Formerly member State Democratic Executive Committee. Chairman Committee on Agricultural, Manufacturing and Industrial Interests and Immigration in Convention of 1901-1902.
- JOHN C. SUMMERS**, Abingdon, Va. Republican. Lawyer.
- GEORGE PATRICK TARRY**, Tarry's Mill, Va. Democrat. Born in Mecklenburg county May 12, 1841. Educated at University of North Carolina and University of Virginia. Planter. Served in Confederate army.
- ALFRED PEMBROKE THOM**, Norfolk, Va. Democrat. Born in Northampton county December 15, 1854. Educated at Richmond College and University of Virginia. Lawyer.
- JAMES BANKHEAD TAYLOR THORNTON**, Manassas, Va. Democrat. Born in Prince William county October 26, 1856. Educated at William and Mary College and University of Virginia. Lawyer. Formerly Superintendent of Schools Prince William county. Commonwealth's Attorney Prince William county since 1891.
- ROBERT TURNBULL**, Lawrenceville, Va. Democrat. Born at Lawrenceville January 11, 1850. B. L. University of Virginia. Lawyer. Clerk Brunswick County Court eight years. State Senator 1895 to 1899. Nephew of Robert D. Turnbull, who represented Brunswick county in the Convention of 1850-'51.
- GORDON L. VINCENT**, Emporia, Va. Democrat. Born September 3, 1867, in Maryland. Educated in public schools of Maryland. Lumber merchant.
- SAMUEL P. WADDILL**, Richmond, Va. Democrat. Born in Charles City county December 15, 1852. Educated in private schools. Clerk Henrico County Court.
- CYRUS HARDING WALKER**, Heathsville, Va. Democrat. Born in Northumberland county January 27, 1859. Educated in private schools and University of Virginia. Lawyer. Professor in Davis Military School, North Carolina, 1883-'93. Member House of Delegates 1891-'98, and State Senator since 1898. Chairman Committee on Accounts and Expenditures of the Convention of 1901-1902.
- A. C. WALTER**, Unionville, Va. Republican. Represented Orange county in the convention.
- WALTER ALLEN WATSON**, Jennings Ordinary, Va. Democrat. Born in Nottoway county November 25, 1867. Lawyer. Educated in public schools, Dr. Wharey's Academy, Hampden-Sidney College, and University of Virginia. State Senator 1891-'95. Now Commonwealth's Attorney for Nottoway county.
- NATHANIEL B. WESCOTT**, Mappsburg, Va. Democrat. Born in Accomac county. Educated at University of Virginia. Lawyer.
- J. M. WILLIS**, Hampton, Va. Democrat. Superintendent of Schools, Hampton.
- GEORGE DOUGLAS WISE**, Richmond, Va. Democrat. Born in Accomac county 1835. Lawyer. Educated in Washington city, Indiana University, and William and Mary College. Commonwealth's Attorney for Richmond city 1870-'80. Served seven terms in Congress, 1880-'94. Lieutenant in Confederate army. Member Lee and Pickett Camps, Confederate Veterans.
- EUGENE WITHERS**, Danville, Va. Democrat. Born in Caswell county, N. C., January 22, 1867. Educated at University of Virginia. Ph. B. of University of North Carolina. Lawyer. Member of Virginia House of Delegates 1893-'94 and State Senate 1895-'98. Presidential elector 1900. Chairman Committee on Reduction of Expenses in Convention of 1901-1902.

JONATHAN WOODHOUSE, Nimmo, Va. Democrat. Born in Princess Anne county January 28, 1850. Merchant and manufacturer of lumber. Educated at Norfolk. Postmaster at Nimmo. President Princess Anne Telephone Company.

J. C. WYSOR, Pulaski City, Va. Democrat. Born September 17, 1855. Graduated from Emory and Henry College 1877. Commonwealth's Attorney Pulaski county two terms from 1879. Lawyer. Democratic presidential elector 1892. Son of Benjamin F. Wysor, delegate to the Conventions of 1850-'51 and 1861.

W. T. YANCEY, Woodville, Va. Democrat. Born in Rappahannock county May 3, 1857. Educated at home by private teachers. Farmer. Chairman Electoral Board Rappahannock county for fifteen years. Chairman Democratic party of same county now.

SECRETARY OF CONVENTION.

JOSEPH BUTTON, Walker's Ford, Va. Democrat. Born in Lynchburg October 31, 1865. Graduated from Lynchburg High School. For a number of years connected with *Lynchburg Virginian*, of which his father, Charles W. Button, deceased, was editor and proprietor. Clerk of State Senate since 1895. Member Governor Tyler's staff, with rank of Colonel. Democratic presidential alternate at large 1900. Secretary State Democratic Central Committee for six years. At present member State Democratic Central Committee and Chairman Tenth Congressional District Committee.

*Nominated by the Democratic caucus of the General Assembly in July, 1902, judges of their respective circuits under the new Constitution. Will be elected by the General Assembly which will convene on the 12th of November, 1902.

Cost of Virginia Conventions.

There is nothing on record to show what amount of money was spent by any of the revolutionary conventions of 1774, 1775, and 1776.

The General Assembly of 1787 appropriated 8000£ for the use of the Convention of 1788. There is no record of the amount this convention actually spent, but as the convention was in session only twenty-six days it is more than probable that the expense did not exceed the sum appropriated.

The Convention of 1829-'30, according to the records in the Auditor's office, expended the sum of \$51,095.96.

The Convention of 1850-'51 cost more than any of its predecessors, or successors. The cost of this convention, according to the records in the Auditor's office, amounted to \$197,068.15.

The Convention of 1861, according to the accounts kept in the Auditor's office, cost the State the sum of \$166,473.83.

There is nothing on record to show what the Alexandria Convention of 1864 cost, or by whom its expenses were paid.

The Convention of 1867-'68, according to the records in the Auditor's office, cost the State of Virginia \$145,068.55. This was the cost up to and including the 6th day of April, 1868. There is no record of the sum contracted by the convention from the 6th to the 17th of April, when it adjourned. It is not known whether the expenses of this convention from April 6th to April 17th were ever paid.

The Convention of 1901-1902, according to the Auditor's books, cost the State the sum of \$184,122.32. This does not include the cost of editing and publishing the debates of the convention, which work the Committee on Reporting was authorized to take charge of and have executed after the adjournment of the convention.

The above figures do not include the expense incident to calling a convention, or the expense incurred in putting the work of a convention into operation. Take, for illustration, the Convention of 1901-1902. First, there was the cost of an election to determine whether the people would order a convention. After this was carried, the Governor convened the General Assembly in extra session to organize the convention. Then an election was held to choose delegates to the convention. After the convention had completed its work, the General Assembly was again convened in extra session to recognize the new Constitution.

The General Assembly will again assemble in extra session on the 12th of November, 1902, to make effective the new Constitution, and this will probably consume seven or eight months.

The cost incident to calling the Convention of 1901-1902 and putting into effect the Constitution adopted by it will equal, if it does not exceed, the above stated sum expended by the convention.

CONSTITUTION OF VIRGINIA,

AS ADOPTED BY THE

CONVENTION OF 1867-'68,

AND RATIFIED BY VOTE OF THE PEOPLE JULY 6, 1869, WITH SUBSEQUENT AMENDMENTS THERETO INCORPORATED.

Whereas the delegates and representatives of the good people of Virginia, in convention assembled, on the twenty-ninth day of June, in the year of our Lord one thousand seven hundred and seventy-six, reciting and declaring, that whereas, George the Third, King of Great Britain and Ireland, and elector of Hanover, before that time entrusted with the exercise of the kingly office in the government of Virginia, had endeavored to pervert the same into a detestable and insupportable tyranny, by putting his negative on laws the most wholesome and necessary for the public good; by denying his government permission to pass laws of immediate and pressing importance, unless suspended in their operation for his assent, and when so suspended, neglecting to attend to them for many years; by refusing to pass certain other laws unless the persons to be benefitted by them would relinquish the inalienable right of representation in the legislature; by dissolving legislative assemblies, repeatedly and continually, for opposing with manly firmness his invasions of the rights of the people; when dissolved by refusing to call others for a long space of time, thereby leaving the political system without any legislative head; by endeavoring to prevent the population of our country, and for that purpose obstructing the laws for naturalization of foreigners; by keeping among us, in time of peace, standing armies and ships of war; by affecting to render the military independent of and superior to the civil power; by combining with others to subject us to a foreign jurisdiction, giving his assent to their pretended acts of legislation for quartering large bodies of armed troops among us; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us of the benefit of trial by jury; for transporting us beyond the seas for trial for pretended offenses; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever; by plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; by inciting insurrection of our fellow-subjects with the allurements of forfeiture and confiscation; by prompting our negroes to rise in arms among us—those very negroes whom, by an inhuman use of his negative he had refused us permission to exclude by law; by endeavoring to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence; by transporting hither a large army of foreign mercenaries to complete the work of death, desolation, and tyranny, then already begun, with circumstances of cruelty and perfidy unworthy the head of a civilized nation; by answering our repeated petitions for redress with a repetition of our injuries; and finally, by abandoning the helm of government and declaring us out of his allegiance and protection—by which several acts of misrule the government of this country, as before exercised under the crown of Great Britain, was totally dissolved—did, therefore, having maturely considered the premises, and viewing with great concern the deplorable condition to which this once happy country would be reduced unless some regular adequate mode of

civil policy should be speedily adopted, and in compliance with the recommendation of the general congress, ordain and declare a form of government of Virginia.

And whereas a convention, held on the first Monday in October, in the year one thousand eight hundred and twenty-nine, did propose to the people of this Commonwealth an amended constitution or form of government, which was ratified by them ;

And whereas the General Assembly of Virginia, by an act passed on the fourth of March in the year one thousand eight hundred and fifty, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss, and propose a new constitution, or alterations and amendments to the existing constitution of this Commonwealth ; and by an act passed on the thirteenth of March, in the year one thousand eight hundred and fifty-one, did further provide for submitting the same to the people for ratification or rejection, and the same having been submitted accordingly was ratified by them ;

And whereas the General Assembly of Virginia, by an act passed on the twenty-first day of December, in the year one thousand eight hundred and sixty-three, did provide for the election, by the people, of delegates to meet in general convention, to consider, discuss, and adopt alterations and amendments to the existing constitution of this Commonwealth, the delegates so assembled did, therefore, having maturely considered the premises, adopt a revised and amended constitution as the form of government of Virginia ;

And whereas the Congress of the United States did, by an act passed on the second day of March, in the year one thousand eight hundred and sixty-seven, and entitled "An act to provide for the more efficient government of the rebel States," and by acts supplementary thereto passed on the twenty-third day of March and the nineteenth day of July, in the year one thousand eight hundred and sixty-seven, provide for the election, by the people of Virginia qualified to vote under the provisions of said acts, of delegates to meet in convention to frame a constitution or form of government for Virginia in conformity with said acts ; and by the same acts did further provide for the submitting of such constitution to the qualified voters for ratification or rejection ;

We, therefore, the delegates of the good people of Virginia, elected and in convention assembled, in pursuance of said act, invoking the favor and guidance of Almighty God, do propose to the people the following constitution and form of government for this Commonwealth :

ARTICLE I.

BILL OF RIGHTS.

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention ; which rights do pertain to them and their posterity as the basis and foundation of government.

1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity—namely, the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.

2. That this State shall ever remain a member of the United States of America, and that the people thereof are a part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said union or to sever said nation are unauthorized, and ought to be resisted with the whole power of the State.

3. That the Constitution of the United States and the laws of Congress passed in pursuance thereof constitute the supreme law of the land, to which paramount allegiance and obedience are due from every citizen, anything in the constitution, ordinances, or laws of any State to the contrary notwithstanding.

4. That all power is vested in, and consequently derived from, the people ; that magistrates are their trustees and servants, and at all times amenable to them.

5. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community ; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration ; and that when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

6. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

7. That the legislative, executive, and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all or any part of the former members to be again eligible or ineligible, as the laws shall direct.

8. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good.

9. That all power of suspending laws, or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

10. That in all criminal or capital prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with his accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; but the General Assembly may, by law, provide for the trial otherwise than by a jury of a man accused of a criminal offense, not punishable by death or confinement in the penitentiary; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land or the judgment of his peers.

11. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

12. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

13. That in controversies respecting property, and in suits between man and man, the trial by jury is preferable to any other, and ought to be held sacred.

14. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments, and any citizen may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

15. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defense of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty, and that in all cases the military should be under strict subordination to, and governed by, the civil power.

16. That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

17. That no free government or the blessings of liberty can be preserved to any people but by a firm adherence to justice, moderation, temperance, and virtue, and by a frequent recurrence to fundamental principles.

18. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience, and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

19. That neither slavery nor involuntary servitude, except as lawful imprisonment may constitute such, shall exist within this State.

20. That all citizens of the State are hereby declared to possess equal civil and political rights.

21. The rights enumerated in this bill of rights shall not be construed to limit other rights of the people not therein expressed.

The declaration of the political rights and privileges of the inhabitants of this State is hereby declared to be a part of the constitution of this Commonwealth, and shall not be violated on any pretense whatever.

ARTICLE II.

DIVISION OF POWERS.

The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the power of more than one of them at the same time except as hereinafter provided.

ARTICLE III.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

SEC. 1. Every male citizen of the United States, twenty-one years old, who shall have been a resident of the State twelve months and of the county, city or town in which he shall offer to vote three months next preceding any election, shall be entitled to vote for members of the General Assembly and all officers elected by the people: provided, that no officer, soldier, seaman, or marine of the United States army or navy shall be considered a resident of this State by reason of being stationed therein; and provided, also, that the following persons shall be excluded from voting:

First. Idiots and lunatics.

Second. Persons convicted of bribery in any election, embezzlement of public funds, treason, felony, or petit larceny.

Third. No person who, while a citizen of this State, has since the adoption of this Constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to vote or hold any office of honor, profit, or trust under this Constitution.

SEC. 2. All elections shall be by ballot, and all persons entitled to vote shall be eligible to any office within the gift of the people, except as restricted in this Constitution.

SEC. 3. All persons entitled to vote and hold office, and none others, shall be eligible to sit as jurors.

SEC. 4. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger, to work upon public roads, or to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election, or in going to or returning from them.

Oath of Office.

SEC. 5. All persons, before entering upon the discharge of any function as officers of this State, must take and subscribe the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of Virginia; that I recognize and accept the civil and political equality of all men before the law, and that I will faithfully perform the duty of _____ to the best of my ability. So help me God."

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Governor.

SEC. 1. The chief executive power of this Commonwealth shall be vested in a governor. He shall hold office for a term of four years, to commence on the first day of January next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

SEC. 2. The governor shall be elected by the voters at the times and places of choosing members of the General Assembly. Returns of elections shall be transmitted, under seal, by the proper officers to the secretary of the Commonwealth, who shall deliver them to the speaker of the House of Delegates on the first day of the next session of the

General Assembly. The speaker of the House of Delegates shall, within one week thereafter, in presence of a majority of the Senate and House of Delegates, open the said returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen governor by a joint vote of the two houses of the General Assembly. Contested elections for governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

SEC. 3. No person except a citizen of the United States shall be eligible to the office of governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of this State for three years next preceding his election.

SEC. 4. The governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

SEC. 5. He shall take care that the laws be faithfully executed; communicate to the General Assembly at every session the condition of the Commonwealth; recommend to their consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the Commonwealth may require it. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection, and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign States; and during the recess of the General Assembly to fill, *pro tempore*, all vacancies in those offices for which the Constitution and laws make no provision; but his appointments to such vacancies shall be by commissions, to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases and under such rules and regulations as may be prescribed by law, and except when the prosecution has been carried on by the House of Delegates; to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offenses committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

SEC. 6. He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices; and may also require the opinion, in writing, of the attorney-general upon any question of law connected with his duties.

SEC. 7. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the governor, with the seal of the Commonwealth annexed.

SEC. 8. Every bill which shall have passed the Senate and House of Delegates, and every resolution requiring the assent of both branches of the General Assembly, shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections, at large on their journal and proceed to reconsider it. If, after such consideration, two-thirds of the members present shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, it shall become a law, notwithstanding the objections of the governor. But in all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill or joint resolution shall be entered on the journal of each house, respectively. If any bill or resolution shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.

Lieutenant-Governor.

SEC. 9. A lieutenant-governor shall be elected at the same time and for the same term as the governor, and his qualification and the manner of his election in all respects shall be the same.

SEC. 10. In case of the removal of the governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant-governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

SEC. 11. The lieutenant-governor shall be president of the Senate, but shall have no vote except in case of an equal division; and while acting as such shall receive a compensation equal to that allowed to the speaker of the House of Delegates.

Secretary of the Commonwealth, Treasurer, and Auditor.

SEC. 12. A secretary of the Commonwealth, treasurer, and auditor of public accounts shall be elected by the joint vote of the two houses of the General Assembly, and continue in office for the term of two years, unless sooner relieved. The salary of each shall be determined by law.

SEC. 13. The secretary shall keep a record of the official acts of the governor, which shall be signed by the governor and attested by the secretary; and when required, he shall lay the same, and any papers, minutes, and vouchers pertaining to his office, before either house of the General Assembly; and shall perform such other duties as may be prescribed by law. All fees received by the secretary shall be paid into the treasury.

SEC. 14. The powers and duties of the treasurer and auditor shall be such as are now or may hereafter be prescribed by law.

SEC. 15. There may be established in the office of the secretary of State a bureau of statistics, and a bureau of agriculture, chemistry, and geology, under such regulations as may be prescribed by law.

SEC. 16. The General Assembly shall have power to establish a bureau of agriculture and immigration under such regulations as may be prescribed.

Board of Public Works.

SEC. 17. There shall be a board of public works, to consist of the governor, auditor, and treasurer of the Commonwealth, under such regulations as may be prescribed by law.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SEC. 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

SEC. 2. The House of Delegates shall be elected bi-ennially by the voters of the several cities and counties on the Tuesday succeeding the first Monday in November, and shall from and after the Tuesday succeeding the first Monday in November, eighteen hundred and seventy-nine, consist of not more than one hundred and not less than ninety members.

SEC. 3. From and after the same date the Senate shall consist of not less than thirty-three nor more than forty members. They shall be elected for the term of four years—for the election of whom the counties, cities, and towns shall be divided into districts. Each county, city, and town of the respective districts shall, at the time of the first election of its delegate or delegates under this amendment, vote for one or more senators. The senators first elected under this amendment in districts bearing odd numbers shall vacate their offices at the end of two years; and those elected in districts bearing even numbers, at the end of four years; and vacancies occurring by expiration of term shall be filled by the election of senators for the full term.

SEC. 4. An apportionment of senators and members of the House of Delegates shall be made at the regular session of the General Assembly next preceding the Tuesday after the first Monday in November, eighteen hundred and seventy-nine, or sooner. A re-apportionment shall be made in the year eighteen hundred and ninety-one, and every tenth year thereafter.

Qualifications of Senators and Delegates.

SEC. 5. Any person may be elected senator who, at the time of election, is actually a resident within the county, city, town, or election district, qualified to vote for members of the General Assembly according to this Constitution; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident

within the county, city, town, election district, qualified to vote for members of the General Assembly according to this Constitution. But no person holding a salaried office under the State government shall be capable of being elected a member of either house of the General Assembly. The removal of any person elected to either branch of the General Assembly from the city, county, town, or district for which he was elected shall vacate his office.

Powers and Duties of the General Assembly.

SEC. 6. The General Assembly shall meet once in two years, and not oftener, unless convened by the governor in the manner prescribed in this Constitution. No session of the General Assembly, after the first under this amendment, shall continue longer than ninety days without the concurrence of three-fifths of the members elected to each house; in which case the session may be extended for a further period, not exceeding thirty days. Neither house during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. A majority of the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalty as each house may prescribe.

SEC. 7. The House of Delegates shall choose its own speaker; and in the absence of the lieutenant-governor, or when he shall exercise the office of the governor, the Senate shall choose from their own body a president *pro tempore*; and each house shall appoint its own officers, settle its own rules of proceeding, and direct writs of election for supplying intermediate vacancies; but if vacancies shall occur during the recess of the General Assembly, such writs may be issued by the governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

SEC. 8. The members of the General Assembly shall receive for their services a salary, to be ascertained by law and paid out of the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members of the House of Delegates voting thereon were elected; and no senator or delegate, during the term for which he shall have been elected, shall be appointed to any civil office of profit under the Commonwealth which has been created, or the emoluments of which have been increased during such term, except offices filled by election by the people.

SEC. 9. Bills and resolutions may originate in either of the two houses of the General Assembly, to be approved or rejected by either, and may be amended by either house, with the consent of the other.

SEC. 10. Each house of the General Assembly shall keep a journal of its proceedings, which shall be published from time to time; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal. No bill shall become a law until it has been read on three different days of the session in the house in which it originated, unless two-thirds of the members in that house shall otherwise determine.

SEC. 11. The members of the General Assembly shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house they shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, nor for fifteen days next before the convening and after the termination of each session.

SEC. 12. The whole number of members which the State may at any time be entitled in the House of Representatives of the United States shall be apportioned, as nearly as may be, amongst the several counties, cities, and towns of the State according to their population.

SEC. 13. In the apportionment the State shall be divided into districts corresponding in number with the representatives to which it may be entitled in the House of Representatives of the Congress of the United States, which shall be formed, respectively, of contiguous counties, cities, and towns; be compact, and include, as nearly as may be, an equal number of population.

SEC. 14. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of invasion or rebellion, the public safety may require it. The General Assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law im-

pairing the obligation of contracts, or any law whereby private property shall be taken for public uses without just compensation, or any laws abridging the freedom of speech or of the press. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall any man be enforced, restrained, molested, or burthened in his body or goods, or otherwise suffer on account of his religious opinions or belief, but all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and the same shall in no wise affect, diminish, or enlarge their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this Commonwealth, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry, but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

SEC. 15. No law shall embrace more than one object, which shall be expressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

SEC. 16. The governor, lieutenant-governor, judges, and all others offending against the State by maladministration, corruption, neglect of duty, or other high crime or misdemeanor, shall be impeachable by the House of Delegates, and be prosecuted before the Senate, which shall have the sole power to try impeachment. When sitting for that purpose, they shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in case of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Commonwealth; but the party convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachment.

SEC. 17. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

SEC. 18. No lottery shall hereafter be authorized by law; and the buying, selling or transferring of tickets or chances in any lottery shall be prohibited.

SEC. 19. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county having a population less than ten thousand be deprived of more than one-fifth of such population; nor shall a county having a larger population be reduced below eight thousand. But any county the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly. In all general elections the voters in any county not entitled to separate representation shall vote in the same election district.

SEC. 20. The General Assembly shall confer on the courts the power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disability, but shall not, by special legislation, grant relief in such cases, or in any other case of which the courts or other tribunals may have jurisdiction.

SEC. 21. The General Assembly shall provide for the annual registration of births, marriages and deaths.

SEC. 22. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

SEC. 23. The Legislature shall have power to provide for the government of cities and towns, and to establish such courts therein as may be necessary for the administration of justice.

SEC. 24. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under clause third, section one, article third, of this Constitution, with reference to duelling.

ARTICLE VI.

JUDICIARY DEPARTMENT.

SEC. 1. There shall be a supreme court of appeals, circuit courts, and county courts. The jurisdiction of these tribunals, and the judges thereof, except so far as the same is conferred by this Constitution, shall be regulated by law.

SEC. 2. The supreme court of appeals shall consist of five judges, any three of whom may hold a court. It shall have appellate jurisdiction only, except in cases of *habeas corpus*, *mandamus*, and prohibition. It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than five hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator; or concerning a mill, roadway, ferry, or landing; or the right of a corporation or of a county to levy tolls or taxes, and except in cases of *habeas corpus*, *mandamus*, and prohibition, or the constitutionality of a law: provided, that the assent of a majority of the judges elected to the court shall be required in order to declare any law null and void by reason of its repugnance to the Federal Constitution or to the Constitution of this State.

SEC. 3. Special courts of appeals, to consist of not less than three nor more than five judges, may be formed of the judges of the supreme court of appeals and of the circuit courts, or any of them, to try any cases on the docket of said court in respect to which a majority of the judges thereof may be so situated as to make it improper for them to sit on the hearing of the same; also, to try any cases on the said docket which cannot be otherwise disposed of with convenient dispatch.

SEC. 4. When a judgment or decree is reversed or affirmed by the supreme court of appeals the reasons therefor shall be stated in writing and preserved with the records of the case.

SEC. 5. The judges shall be chosen by the joint vote of the two houses of the General Assembly, and shall hold their office for a term of twelve years; they shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years.

SEC. 6. The officers of the supreme court of appeals shall be appointed by the said court or by the judges thereof in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

SEC. 7. The supreme court of appeals shall hold its sessions at two or more places in the State, to be fixed by law.

SEC. 8. At every election of a governor an attorney-general shall be elected by the qualified voters of this Commonwealth. He shall be commissioned by the governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Circuit Courts.

SEC. 9. The State shall be divided into sixteen judicial circuits, as follows:

1. The counties of Norfolk, Princess Anne, Nansemond, Isle of Wight, Southampton, Surry, and the city of Norfolk shall constitute the First circuit.
2. The counties of Sussex, Greensville, Brunswick, Prince George, Dinwiddie, Nottoway, Chesterfield, and the city of Petersburg shall constitute the Second circuit.
3. The counties of Mecklenburg, Lunenburg, Charlotte, Amelia, Powhatan, Prince Edward, Buckingham, and Cumberland shall constitute the Third circuit.
4. The counties of Halifax, Pittsylvania, Henry, Patrick, Franklin, and the town of Danville shall constitute the Fourth circuit.
5. The counties of Bedford, Campbell, Appomattox, Amherst, Nelson, and the city of Lynchburg shall constitute the Fifth circuit.
6. The counties of Albemarle, Fluvanna, Culpeper, Goochland, Madison, Greene, and Orange shall constitute the Sixth circuit.
7. The county of Henrico and the city of Richmond shall constitute the Seventh circuit.
8. The counties of Accomac, Northampton, York, Elizabeth City, Warwick, James City, New Kent, Charles City, and the city of Williamsburg shall constitute the Eighth circuit.

9. The counties of Lancaster, Northumberland, Mathews, Middlesex, Gloucester, King William, Essex, and King and Queen shall constitute the Ninth circuit.

10. The counties of Westmoreland, Spotsylvania, Caroline, Hanover, Stafford, King George, Richmond, and Louisa shall constitute the Tenth circuit.

11. The counties of Loudoun, Fauquier, Fairfax, Prince William, Rappahannock, and Alexandria shall constitute the Eleventh circuit.

12. The counties of Frederick, Clarke, Warren, Page, Shenandoah, and Rockingham shall constitute the Twelfth circuit.

13. The counties of Augusta, Rockbridge, Bath, Highland, and Alleghany shall constitute the Thirteenth circuit.

14. The counties of Botetourt, Roanoke, Montgomery, Floyd, Giles, and Craig shall constitute the Fourteenth circuit.

15. The counties of Carroll, Grayson, Wythe, Pulaski, Bland, and Tazewell shall constitute the Fifteenth circuit.

16. The counties of Smyth, Washington, Lee, Scott, Wise, Russell, and Buchanan shall constitute the Sixteenth circuit.

SEC. 10. The General Assembly may rearrange said circuits, or any of them, and increase or diminish the number thereof when the public interests shall require it.

SEC. 11. For each circuit a judge shall be chosen by joint vote of the two houses of the General Assembly, who shall hold his office for a term of eight years, unless sooner removed in the manner prescribed by this Constitution. He shall, when chosen, possess the same qualifications of judges of the supreme court of appeals; and, during his continuance in office, shall reside in the circuit of which he is judge.

SEC. 12. A circuit court shall be held at least twice a year by the judges of each circuit in every county and corporation thereof wherein a circuit court now is or may hereafter be established. But the judges may be required or authorized to hold the courts of their respective circuits alternately, and the judge of one circuit to hold court in any other circuit.

County Courts.

SEC. 13. In each county of this Commonwealth there shall be a court called the county court, which shall be held monthly by a judge learned in the law of the State, and to be known as the county court judge: provided, that counties containing less than eight thousand inhabitants shall be attached to adjoining counties for the formation of districts for county judges. County court judges shall be chosen in the same manner as judges of the circuit courts. They shall hold their office for a term of six years, except the first term under this Constitution, which shall be three years, and during their continuance in office they shall reside in their respective counties or districts. The jurisdiction of said courts shall be the same as that of the existing county courts, except so far as it is modified by this Constitution or may be changed by law.

Government of Cities and Towns.

SEC. 14. For each city or town in the State containing a population of five thousand shall be elected, on the joint vote of the two houses of the General Assembly, one city judge, who shall hold a corporation or hustings court of said city or town as often and as many days in each month as may be prescribed by law, with similar jurisdiction which may be given by law to the circuit courts of this State, and who shall hold his office for a term of six years: provided, that in cities or towns containing thirty thousand inhabitants there may be elected an additional judge to hold courts of probate and record, separate and apart from the corporation or hustings courts, and perform such other duties as shall be prescribed by law.

SEC. 15. Also, the following enumerated officers, who shall be elected by the qualified voters of the said cities or towns: One clerk of the corporation or hustings court, who shall also be the clerk of the circuit court, except in cities or towns containing a population of thirty thousand or more, in which city or town there may be a separate clerk for the circuit court, who shall hold his office for a term of six years.

SEC. 16. One Commonwealth's attorney, who shall be the Commonwealth's attorney for the circuit court, and shall hold his office for a term of two years.

SEC. 17. One city sergeant, who shall hold his office for a term of two years.

SEC. 18. One city or town treasurer, whose duties shall be similar to those of county treasurer, and shall hold his office for a term of three years.

SEC. 19. One commissioner of the revenue.

SEC. 20. There shall be chosen by the electors of every city a mayor, who shall be the

chief executive officer thereof, and who shall see that the duties of the various city officers are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend or remove such officers, whether they be elected or appointed, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of and an opportunity afforded him to be heard in his defense. All city, town, and village officers whose election or appointment is not provided for by this Constitution shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may be hereafter created by law, shall be elected by the people or appointed, as the General Assembly may direct. Members of common councils shall hold no other office in cities, and no city officer shall hold a seat in the General Assembly. The General Assembly, at its first session after the adoption of this Constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. General laws shall be passed for the organization and government of cities, and no special act shall be passed except in cases where, in the judgment of the General Assembly, the object of such act cannot be attained by general laws. Nothing in this act shall affect the power of the General Assembly over quarantine, or in regard to the port of Norfolk, or the interest of the State in the lands under water and within the jurisdiction or boundaries of any city, or to regulate the wharves, piers, or slips in any city. All laws or city ordinances in conflict with the provisions of the preceding sections shall be void from and after the adoption of this Constitution.

SEC. 21. All regular elections for city or town officers under this article shall be held on the fourth Thursday in May, and the officers-elect shall enter upon their duties on the first day of July succeeding.

General Provisions.

SEC. 22. All the judges shall be commissioned by the governor, and shall receive such salaries and allowances as may be determined by law, the amount of which shall not be diminished during their term of office. Their terms of office shall commence on the first day of January next following their appointment, and they shall discharge the duties of their respective offices from their first appointment and qualification under this Constitution until their terms begin.

SEC. 23. Judges may be removed from office by a concurrent vote of both houses of the General Assembly, but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge upon whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

SEC. 24. Judges of the supreme court of appeals and judges of the circuit courts shall not hold any other office or public trust during their continuance in office.

SEC. 25. Judges and all other officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

SEC. 26. Writs shall run "In the name of the Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

ARTICLE VII.

COUNTY ORGANIZATIONS.

SEC. 1. There shall be elected by the qualified voters of the county one sheriff, one attorney for the Commonwealth, who shall also be the Commonwealth's attorney for the circuit court; one county clerk, who shall also be the clerk of the circuit court, except that in counties containing fifteen thousand inhabitants there may be a separate clerk for the circuit court; one county treasurer, and so many commissioners of the revenue as may be provided by law; and there shall be appointed, in a manner to be

provided by law, one superintendent of the poor and one county surveyor; and there shall also be appointed, in the manner provided for in article eight, one superintendent of schools. All regular elections for county officers shall be held on the fourth Thursday in May, and all officers elected or appointed under this provision shall enter upon the duties of their offices on the first day of July next succeeding their election, and shall hold their respective offices for the term of four years, except that county and circuit court clerks shall hold office for six years.

SEC. 2. Each county of the State shall be divided into so many compactly located magisterial districts as may be found necessary—not less than three: provided, that after these have been formed no additional districts shall be made containing less than thirty square miles; each magisterial district shall be known as ——— magisterial district of ——— county. In each district there shall be elected one supervisor, three justices of the peace, one constable, and one overseer of the poor, who shall hold their respective offices for the term of two years. All regular elections for magisterial district officers shall take place on the fourth Thursday in May, and all officers so elected shall enter upon the duties of their respective offices on the first day of July next succeeding their election. The supervisors of the districts shall constitute the board of supervisors for that county, whose duty it shall be to audit the accounts of the county, examine the books of the commissioners of the revenue, regulate and equalize the valuation of property, fix the county levies for the ensuing year, and perform any other duties required of them by law.

School Districts.

SEC. 3. Each magisterial district shall be divided into so many compactly-located school districts as may be deemed necessary: provided, that no school district shall be formed containing less than one hundred inhabitants. In each school district there shall be elected or appointed annually one school trustee, who shall hold his office three years: provided, that at the first election held under this provision there shall be three trustees elected, whose terms shall be one, two, and three years, respectively.

SEC. 4. The General Assembly, at its first session after the adoption of this Constitution, shall pass such laws as may be necessary to give effect to the provisions of this article. But nothing in this article shall be construed as prohibiting the General Assembly from providing by law for any additional officers in any city or county.

SEC. 5. Sheriffs shall hold no other office. They may be required by law to renew their security, and in default of so doing their offices shall be declared vacant. Counties shall never be made responsible for the acts of the sheriffs.

ARTICLE VIII.

EDUCATION.

SEC. 1. The General Assembly shall elect, in joint ballot, within thirty days after its organization under this Constitution, and every fourth year thereafter, a superintendent of public instruction. He shall have the general supervision of the public free school interest of the State, and shall report to the General Assembly, for its consideration, within thirty days after his election, a plan for a uniform system of public free schools.

SEC. 2. There shall be a board of education, composed of the governor, superintendent of public instruction, and attorney-general, which shall appoint and have power to remove, for cause and upon notice to the incumbents, subject to confirmation by the Senate, all county superintendents of public free schools. This board shall have, regulated by law, the management and investment of all school funds, and such supervision of schools of higher grades as the law shall provide.

SEC. 3. The General Assembly shall provide by law, at its first session under this Constitution, a uniform system of public free schools, and for its gradual, equal, and full introduction into all the counties of the State by the year 1876, or as much earlier as practicable.

SEC. 4. The General Assembly shall have power, after a full introduction of the public free school system, to make such laws as shall not permit parents and guardians to allow their children to grow up in ignorance and vagrancy.

SEC. 5. The General Assembly shall establish, as soon as practicable, normal schools, and may establish agricultural schools, and such grades of schools as shall be for the public good.

SEC. 6. The board of education shall provide for uniformity of text-books and the

furnishing of school-houses with such apparatus and library as may be necessary, under such regulations as may be provided by law.

SEC. 7. The General Assembly shall set apart, as a permanent and perpetual literary fund, the present literary funds of the State, the proceeds of all public lands donated by Congress for public school purposes, of all escheated property, of all waste and unappropriated lands, of all property accruing to the State by forfeiture, and all fines collected for offenses committed against the State, and such other sums as the General Assembly may appropriate.

SEC. 8. The General Assembly shall apply the annual interest on the literary fund, the capitation tax provided for by this Constitution for public free school purposes, and an annual tax upon the property of the State of not less than one mill nor more than five mills on the dollar, for the equal benefit of all the people of the State, the number of children between the ages of five and twenty-one years in each public free school district being the basis of such division. Provision shall be made to supply children attending the public free schools with necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them. Each county and public free school district may raise additional sums by a tax on property for the support of the public free schools. All unexpended sums of any one year in any public free school district shall go into the general school fund for re-division next year: provided, that any tax authorized by this section to be raised by counties or school districts shall not exceed five mills on a dollar in any one year, and shall not be subject to re-division, as hereinbefore provided in this section.

SEC. 9. The General Assembly shall have power to foster all higher grades of schools under its supervision, and to provide for such purpose a permanent educational fund.

SEC. 10. All grants and donations received by the General Assembly for educational purposes shall be applied according to the terms prescribed by the donors.

SEC. 11. Each city and county shall be held accountable for the destruction of school property that may take place within its limits by incendiaries or open violence.

SEC. 12. The General Assembly shall fix the salaries and prescribe the duties of all school officers, and shall make all needful laws and regulations to carry into effect the public free school system provided for by this article.

ARTICLE IX.

MILITIA.

SEC. 1. The militia of this State shall consist of all able-bodied male persons between the ages of eighteen and forty-five years, except such persons as hereafter may be exempted by the laws of the United States or of this State; but those who belong to religious societies whose tenets forbid them to carry arms shall not be compelled to do so, but shall pay an equivalent for personal service; and the militia shall be organized, armed and equipped, and trained as the General Assembly may provide by law.

SEC. 2. The Legislature shall provide by law for the encouragement of volunteer corps of the several arms of the service, which shall be classed as the active militia; and all other militia shall be classified as the reserve militia, and shall not be required to muster in time of peace.

ARTICLE X.

TAXATION AND FINANCE.

SEC. 1. Taxation, except as hereinafter provided, whether imposed by the State, county, or corporate bodies, shall be equal and uniform, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as prescribed by law. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value.

SEC. 2. No tax shall be imposed on any of the citizens of this State for the privilege of taking or catching oysters from their natural beds with tongs in the waters thereof; but the amount of sales of oysters so taken by any citizen in any one year may be taxed at a rate not exceeding the rate of taxation imposed upon any other species of property.

SEC. 3. The Legislature may exempt all property used exclusively for State, county, municipal, benevolent, charitable, educational, and religious purposes.

SEC. 4. The General Assembly may levy a tax on income in excess of six hundred dollars per annum, and upon the following licenses—viz.: the sale of ardent spirits,

theatrical and circus companies, menageries, jugglers, itinerant peddlers, and all other shows and exhibitions for which an entrance fee is required; commission merchants, persons selling by sample, brokers and pawn brokers, and all other business which cannot be reached by the *ad valorem* system. The capital invested in all business operations shall be assessed and taxed as other property. Assessments upon all stock shall be according to the market value thereof.

SEC. 5. The General Assembly may levy a tax, not exceeding one dollar per annum, on every male citizen who has attained the age of twenty-one years, which shall be applied exclusively in aid of public free schools; and counties and corporations shall have power to impose a capitation tax, not exceeding fifty cents per annum, for all purposes.

SEC. 6. The General Assembly shall provide for a re-assessment of the real estate of this State in the year 1869, or as soon thereafter as practicable, and every fifth year thereafter: provided, in making such assessment no land shall be assessed above or below its value.

SEC. 7. No debt shall be contracted by this State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war.

SEC. 8. The General Assembly shall provide by law a sinking fund, to be applied solely to the payment and extinguishment of the principal of the State debt, which sinking fund shall be continued until the extinguishment of such State debt; and every law hereafter enacted by the General Assembly creating a debt or authorizing a loan shall provide a sinking fund for the payment of the same.

SEC. 9. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law at the time said debt was contracted, nor shall any discrimination hereafter be made in paying the interest on State bonds which shall give a higher actual value to bonds held in foreign countries over the same class of bonds held in this country.

SEC. 10. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no appropriation shall ever be made for the payment of any debt or obligation created, in the name of the State of Virginia, by the usurped and pretended State authorities assembled at Richmond during the late war; and no county, city, or corporation shall levy or collect any tax for the payment of any debt created for the purpose of aiding any rebellion against the State or against the United States.

SEC. 11. On the passage of every act which imposes, continues, or revives any appropriation of public trust money or property, or releases, discharges, or commutes any claim or demand of the State, the vote shall be determined by ayes and noes, and the names of the persons voting for and against the same shall be entered on the journals of the respective houses, and a majority of all the members elected to each house shall be necessary to give it the force of law.

SEC. 12. The credit of the State shall not be granted to or in aid of any person, association, or corporation.

SEC. 13. No scrip, certificate, or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 14. The State shall not subscribe to or become interested in the stock of any company, association, or corporation.

SEC. 15. The State shall not be a party to or become interested in any work of internal improvement, nor engage in carrying on any such work, otherwise than in the expenditure of grants to the State of land or other property.

SEC. 16. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 17. The State shall not assume any indebtedness of the county, borough, or city, nor lend its credit to the same.

SEC. 18. A full account of the State indebtedness and an accurate statement of receipts and expenditures of public money shall be attached to and published with its laws passed at every regular session of the General Assembly.

SEC. 19. The General Assembly shall provide by law for adjusting with the State of West Virginia the proportion of the public debt of Virginia proper to be borne by the State of Virginia and West Virginia, and shall provide that such sum as shall be re-

ceived from West Virginia shall be applied to the payment of the public debt of the State.

SEC. 20. No other or greater amount of tax or revenue shall at any time be levied than may be required for the necessary expenses of the government or to pay the existing indebtedness of the State.

SEC. 21. The liability to the State of any incorporated company or institution to redeem the principal and to pay the interest of any loan heretofore made by the State to such company or institution, shall not be released or commuted.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

Homestead and Other Exemptions.

SEC. 1. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold, exempt from levy, seizure, garnisheeing, or sale under any execution, order or other process issued on any demand for any debt heretofore or hereafter contracted, his real and personal property, or either, including money and debts due him, whether heretofore or hereafter acquired or contracted, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order or other process issued on any demand in the following cases:

1st. For the purchase price of said property or any part thereof.

2d. For services rendered by a laboring person or a mechanic.

3d. For liabilities incurred by any public officer or officer of a court, or any fiduciary, or any attorney at law, for money collected.

4th. For a lawful claim for any taxes, levies or assessments accruing after the first day of June, 1866.

5th. For rent hereafter accruing.

6th. For the legal or taxable fees of any public officer or officers of a court hereafter accruing.

SEC. 2. The foregoing section shall not be construed as subjecting the property hereby exempted, or any portion thereof, to any lien by reason of any execution levied on property which has been subsequently restored to the defendant, or judgment rendered or docketed on or after the 17th day of April, 1861, and before the 2d day of March, 1867, for any debt contracted previous to the 4th day of April, 1864, except debts of the character mentioned in either of the above first three exceptions.

SEC. 3. Nothing contained in this article shall be construed to interfere with the sale of property aforesaid, or any portion thereof, by virtue of any mortgage, deed of trust, pledge, or other security thereon.

SEC. 4. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

SEC. 5. The General Assembly shall, at its first session under this Constitution, prescribe in what manner and on what conditions the said householder or head of a family shall thereafter set apart and hold for himself and family a homestead out of any property hereby exempted, and may, in its discretion, determine in what manner and on what conditions he may thereafter hold, for the benefit of himself and family, such personal property as he may have and coming within the exemption hereby made. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

SEC. 6. An act of the General Assembly, entitled "An act to exempt the homesteads of families from forced sales," passed April 29, 1877, and an act entitled "An act to stay the collection of debts for a limited period," passed March 2, 1866, and the acts amendatory thereof, are hereby abrogated.

SEC. 7. The provisions of this article shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

Church Property.

SEC. 8. The rights of ecclesiastical bodies in and to church property conveyed to them by regular deed of conveyance shall not be affected by the late civil war, nor by any antecedent or subsequent event, nor any act of the Legislature purporting to govern the

same; but all such property shall pass to and be held by the parties set forth in the original deeds of conveyance, or the legal assignees of such original parties holding through or by conveyance, and any act or acts of the Legislature in opposition thereto shall be null and void.

Heirship of Property.

SEC. 9. The children of parents one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seized and possessed as though they had been born in lawful wedlock.

ARTICLE XII.

FUTURE CHANGES IN THE CONSTITUTION.

SEC. 1. Any amendment or amendments to the Constitution may be proposed in the Senate and House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly to be chosen at the next general election of senators and members of the House of Delegates, and shall be published for three months previous to the time of making such choice. And if in the next General Assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the General Assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. At the general election to be held in the year 1888, and in each twentieth year thereafter, and also at such time as the General Assembly may by law provide, the question "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified voting at such election shall decide in favor of a convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such convention: provided, that no amendment or revision shall be made which shall deny or in any way impair the right of suffrage or any civil or political right as conferred by this Constitution, except for causes which apply to all persons and classes without distinction.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared that—

SEC. 1. The common law and the statute laws now in force not repugnant to this Constitution shall remain in force until they expire by their own limitation or are altered or repealed by the Legislature.

SEC. 2. All writs, actions, causes of actions, prosecutions, and rights of individuals and of bodies corporate and of the State, and all charters of incorporation, shall continue; and all indictments which shall have been found, or which may hereafter be found, for any crime or offense committed before the adoption of this Constitution, may be proceeded upon as if no change had taken place. The several courts, except as herein otherwise provided, shall continue with like powers and jurisdiction, both in law and equity, as if this Constitution had not been adopted, and until the organization of the judicial department of this Constitution.

SEC. 3. That all fines, penalties, forfeitures, and escheats accruing to the State of Virginia under the present Constitution and laws shall accrue to the use of the State under this Constitution.

SEC. 4. That all recognizances, bonds, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Virginia, to any State, county, or township, or any public officer or public body, or which may be entered into or executed under existing laws, "to the people of the State

of Virginia," to any such officer or public body, before the complete organization of the department of government under this Constitution, shall remain binding and valid; and rights and liabilities upon the same shall continue, and may be prosecuted as provided by law. All crimes and misdemeanors and penal actions shall be tried, punished, and prosecuted as though no change had taken place, until otherwise provided by law.

AMENDMENTS.

The following amendments to this Constitution were submitted by the General Assembly and ratified by the people:

1. Article X.—Usury clause stricken out fourth Thursday in May, 1872, by vote of 40,166 to 21,326.

2. Article VII.—Sections 1, 2, and 3 amended and section 4 stricken out November election, 1874, by vote of 88,000 to 60,066.

3. Article III.—Section 1 amended, imposing capitation tax, and section 4 stricken out November, 1876, by vote of 129,373 to 98,359.

4. Article V.—Sections 2, 3, 4, 5, and 6 amended and sections 23 and 24 added November, 1876, by vote of 129,373 to 98,359.

5. Article III.—Capitation tax abolished November, 1882, by a vote of 107,303 to 66,131.

6. Bill of Rights.—Amended (trial by jury) November, 1894, by vote of 108,885 to 24,341.

7. Article VII.—Sections 1, 2, and 3 amended, abolishing spring elections, November, 1901, by vote of 15,139 to 7,652.

8. Article X.—Section 2, relative to tax on oysters, stricken out November, 1901, by vote of 12,220 to 8,259.

NOTE.—The Constitution as above printed contains all amendments made thereto except those ratified by the people in 1901. All sections and clauses stricken out by vote of the people are eliminated except section 2 of Article X. relative to tax on oysters, voted on in 1901.





THE
CONSTITUTION
OF THE
STATE OF VIRGINIA,
ADOPTED BY THE
CONVENTION OF 1901-2.

PUBLISHED BY



AUTHORITY.

RICHMOND:

1902.

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CONSTITUTION OF VIRGINIA.

Whereas, pursuant to an act of the General Assembly of Virginia, approved March the fifth, in the year of our Lord nineteen hundred, the question, "shall there be a convention to revise the Constitution and amend the same?" was submitted to the electors of the State of Virginia, qualified to vote for members of the General Assembly, at an election held throughout the State on the fourth Thursday in May, in the year nineteen hundred, at which election a majority of the electors so qualified voting at said election did decide in favor of a convention for such purpose; and,

Whereas, the General Assembly at its next session did provide by law for the election of delegates to such convention, in pursuance whereof the members of this Convention were elected by the good people of Virginia, to meet in convention for such purpose.

We, therefore, the people of Virginia, so assembled in Convention through our representatives, with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberations, do ordain and establish the following revised and amended Constitution for the government of the Commonwealth:

ARTICLE I.

BILL OF RIGHTS.

A DECLARATION OF RIGHTS, made by the representatives of the good people of Virginia assembled in full and free Convention; which rights do pertain to them and their posterity, as the Basis and Foundation of Government.

Section 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity;

namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Sec. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Sec. 3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

Sec. 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

Sec. 5. That the legislative, executive, and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

Sec. 6. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

Sec. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Sec. 8. That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offence, but an appeal may be

allowed to the Commonwealth in all prosecutions for the violation of a law relating to the state revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

Sec. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Sec. 11. That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.

Sec. 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments; and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

Sec. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

Sec. 14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Sec. 15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

Sec. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

Sec. 17. The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

Sec. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his state poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

Sec. 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and

residence required in section Eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any state of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

Sec. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he has personally paid to the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own hand-writing, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

Sec. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all state poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe; but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

Sec. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any state of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the state poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

Sec. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons, and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretences, embezzlement, forgery, or perjury; persons who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

Sec. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institu-

tion or a student in any institution of learning, be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

Sec. 25. The General Assembly shall provide for the annual registration of voters under section Twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all voters registered under this Constitution.

Sec. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

Sec. 27. All elections by the people shall be by ballot; all elections by any representative body shall be *viva voce*, and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

Sec. 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all state, county, city, and other elections by the people, and the form thereof shall be the same in all places where any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

Sec. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

Sec. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected: provided, that the General Assembly in its discretion may make

such exemptions from the operation of said property qualification as shall not be in conflict with the Constitution of the United States.

Sec. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States Government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

Sec. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

Sec. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed, shall continue to discharge the duties of their offices after their terms of service have expired until their successors have qualified.

Sec. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faith-

fully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my ability; so help me God."

Sec. 35. No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

Sec. 36. The General Assembly shall enact such laws as are necessary and proper for the purpose of securing the regularity and purity of general, local and primary elections, and preventing and punishing any corrupt practices in connection therewith; and shall have power, in addition to other penalties and punishments now or hereafter prescribed by law for such offences, to provide that persons convicted of them shall thereafter be disqualified from voting or holding office.

Sec. 37. The General Assembly may provide for the use, throughout the State or in any one or more counties, cities, or towns in any election, of machines for receiving, recording, and counting the votes cast thereat: provided, that the secrecy of the voting be not thereby impaired.

Sec. 38. After the first day of January, nineteen hundred and four, the treasurer of each county and city shall, at least five months before each regular election, file with the clerk of the circuit court of his county, or of the corporation court of his city, a list of all persons in his county or city, who have paid not later than six months prior to such election, the state poll taxes required by this Constitution during the three years next preceding that in which such election is held; which list shall be arranged alphabetically, by magisterial districts or wards, shall state the white and colored persons separately, and shall be verified by the oath of the treasurer. The clerk, within ten days from the receipt of the list, shall make and certify a sufficient number of copies thereof, and shall deliver one copy for each voting place in his county or city, to the sheriff of the county or sergeant of the city, whose duty it shall be to post one copy, without delay, at each of the voting-places, and, within ten days from the receipt thereof, to make return on oath to the clerk, as to the places where and dates at which said copies were respectively posted; which return the clerk shall record in a book kept in his office for the purpose; and he shall keep in his office for public inspection, for at least sixty days after receiving the list, not less than ten certified copies thereof, and also cause the list to be published in such other manner as may be prescribed by law; the original list returned by the treasurer shall be filed and preserved by the clerk among the public records of his office for at least five years after receiving the same. Within thirty days after the list has been so posted, any person who shall have paid his capitation tax,

but whose name is omitted from the certified list, may, after five days' written notice to the treasurer, apply to the circuit court of his county, or corporation court of his city, or to the judge thereof in vacation, to have the same corrected and his name entered thereon, which application the court or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll-books, at a reasonable time before every election, to one of the judges of election of each precinct of his county or city, a like certified copy of the list, which shall be conclusive evidence of the facts therein stated for the purpose of voting. The clerk shall also, within sixty days after the filing of the list by the treasurer, forward a certified copy thereof, with such corrections as may have been made by order of the court or judge, to the Auditor of Public Accounts, who shall charge the amount of the poll taxes stated therein to such treasurer unless previously accounted for.

Further evidence of the prepayment of the capitation taxes required by this Constitution, as a prerequisite to the right to register and vote, may be prescribed by law.

ARTICLE III.

DIVISION OF POWERS.

Sec. 39. Except as hereinafter provided, the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others, nor any person exercise the power of more than one of them at the same time.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Sec. 40. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Delegates.

Sec. 41. The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts, on the Tuesday succeeding the first Monday in November.

Sec. 42. The House of Delegates shall consist of not more than one *hundred and not less than ninety* members, who shall be elected bi-enni-

ally by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

Sec. 43. The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a re-apportionment may be made in the year nineteen hundred and six, and shall be made in the year nineteen hundred and twelve, and every tenth year thereafter.

Sec. 44. Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly; and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the state government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him; and no person holding any office or post of profit or emolument under the United States Government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

Sec. 45. The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by election by the people.

Sec. 46. The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed a salary for not exceeding sixty days at

any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

Sec. 47. The House of Delegates shall choose its own speaker; and, in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor, the Senate shall choose from their own body a president *pro tempore*. Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Sec. 48. Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

Sec. 49. Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Sec. 50. No law shall be enacted except by bill. A bill may originate in either house, to be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been,

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house, in which it originated, prior to its passage therein;

(c) Read at length on three different calendar days in each house; and unless,

(d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the

journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

And only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported; provided that the printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, the names of the members voting for and against, entered on the journal; and provided further, that no bill which creates, or establishes a new office, or which creates, continues, or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the names of the members voting for and against, entered on the journal. Every law imposing, continuing or reviving a tax shall specifically state such tax and no law shall be construed as so stating such tax, which requires a reference to any other law or any other tax. The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

Sec. 51. There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates, and five members appointed by the Senate, which shall be a standing committee on special, private, and local legislation. Before reference to a committee, as provided by section Fifty, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; whereupon, the bill, with the accompanying statement, shall take the course provided by section Fifty. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section Fifty for the discharge of other committees.

Sec. 52. No law shall embrace more than one object, which shall be ex-

pressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

Sec. 53. No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill), the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

Sec. 54. The Governor, Lieutenant-Governor, Attorney-General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate which shall have the sole power to try impeachment. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

Sec. 55. The General Assembly shall by law apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants.

Sec. 56. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

Sec. 57. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section Twenty-three, of Article Two, of this Constitution, with reference to duelling.

Sec. 58. The privilege of the writ of *habeas corpus* shall not be sus-

pended unless when in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any *ex post facto* law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

Sec. 59. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

Sec. 60. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

Sec. 61. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

Sec. 62. The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

Sec. 63. The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction. The General Assembly may regulate the exercise by courts of the right to punish for con-

tempt. The General Assembly shall not enact any local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before, the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension or pensions.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.
15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.
16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.
17. Creating private corporations, or amending, renewing, or extending the charters thereof.
18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.
19. Naming or changing the name of any private corporation or association.
20. Remitting the forfeiture of the charter of any private corporation

except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

Sec. 64. In all the cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate directly or indirectly to enact, and shall not have the effect of the enactment of a special, private, or local law.

No general or special law shall surrender or suspend the right and power of the State, or any political subdivision thereof, to tax corporations and corporate property, except as authorized by Article Thirteen. No private corporation, association, or individual shall be specially exempted from the operation of any general law, nor shall its operation be suspended for the benefit of any private corporation, association, or individual.

Sec. 65. The General Assembly may, by general laws, confer upon the boards of supervisors of counties, and the councils of cities and towns, such powers of local and special legislation, as it may from time to time deem expedient, not inconsistent with the limitations contained in this Constitution.

Sec. 66. The Clerk of the House of Delegates shall be Keeper of the Rolls of the State but shall receive no compensation from the State for his services as such.

The General Assembly by general law shall prescribe the number of employees of the Senate and House of Delegates, including the clerks thereof, and fix their compensation at a *per diem* for the time actually employed in the discharge of their duties.

Sec. 67. The General Assembly shall not make any appropriation of public funds, of personal property, or of any real estate, to any church, or sectarian society, association, or institution of any kind whatever, which is entirely or partly, directly or indirectly, controlled by any church or sectarian society; nor shall the General Assembly make any like appropriation to any charitable institution, which is not owned or controlled by the State; except that it may, in its discretion, make appropriations to non-sectarian institutions for the reform of youthful criminals; but nothing herein contained shall prohibit the General Assembly from authorizing counties, cities, or towns to make such appropriations to any charitable institution or association.

Sec. 68. The General Assembly shall, at each regular session, appoint a standing committee, consisting of two members of the Senate and three

members of the House of Delegates, which shall be known as the Auditing Committee. Such committee shall annually, or oftener in its discretion, examine the books and accounts of the First Auditor, the State Treasurer, the Secretary of the Commonwealth, and other executive officers at the seat of government whose duties pertain to auditing or accounting for the state revenue, report the result of its investigations to the Governor, and cause the same to be published in two newspapers of general circulation in the State. The Governor shall, at the beginning of each session, submit said reports to the General Assembly for appropriate action. The committee may sit during the recess of the General Assembly, receive such compensation as may be prescribed by law, and employ one or more accountants to assist in its investigations.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Sec. 69. The chief executive power of the State shall be vested in a Governor. He shall hold office for a term of four years, to commence on the first day of February next succeeding his election, and be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Sec. 70. The Governor shall be elected by the qualified voters of the State at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the Secretary of the Commonwealth, who shall deliver them to the Speaker of the House of Delegates on the first day of the next session of the General Assembly. The Speaker of the House of Delegates shall, within one week thereafter, in the presence of a majority of the Senate and of the House of Delegates, open the returns, and the votes shall then be counted. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

Sec. 71. No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall

have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

Sec. 72. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

Sec. 73. The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of government except the Lieutenant-Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed; and the Governor shall have power, during the recess of the General Assembly, to appoint, *pro tempore*, successors to all officers so suspended, and to fill, *pro tempore*, vacancies in all offices of the State for the filling of which the Constitution and laws make no other provision; but his appointments to such vacancies shall be by commissions to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases, and under such rules and regulations, as may be prescribed by law, and except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

Sec. 74. The Governor may require information in writing, under

oath, from the officers of the executive department and superintendents of state institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney-General upon any question of law affecting the official duties of the Governor.

Sec. 75. Commissions and grants shall run in the name of the Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

Sec. 76. Every bill, which shall have passed the Senate and House of Delegates, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval. If he approve the general purpose of any bill, but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto: provided, that if after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendations in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal

of each house. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise.

Sec. 77. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

Sec. 78. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Sec. 79. The Lieutenant-Governor shall be president of the Senate, but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Sec. 80. A Secretary of the Commonwealth shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained as in the case of the Governor. He shall keep a daily record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary, and, when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly. He shall discharge such other duties as may be prescribed by law. All fees received by the Secretary of the Commonwealth shall be paid into the treasury monthly.

Sec. 81. A State Treasurer shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. His powers and duties shall be prescribed by law.

Sec. 82. An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

Sec. 83. The salary of each officer of the Executive Department, except in those cases where the salary is determined by this Constitution, shall be fixed by law; and the salary of no such officer shall be increased or diminished during the term for which he shall have been elected or appointed.

Sec. 84. The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.

Sec. 85. All state officers, and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

Sec. 86. The General Assembly shall have power to establish and maintain a Bureau of Labor and Statistics, under such regulations as may be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

Sec. 87. The Judiciary Department shall consist of a Supreme Court of Appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

Sec. 88. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of *habeas corpus*, *mandamus*, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the state revenue. No bond shall be required of any accused person as a condition of appeal, but a *supersedeas* bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in

controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county, or municipal corporation, to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of *habeas corpus*, *mandamus*, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.

Sec. 89. The General Assembly may, from time to time, provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of either of said courts, or of any of the judges of said courts together with one or more of the judges of the Supreme Court of Appeals.

Sec. 90. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

Sec. 91. The judges of the Supreme Court of Appeals shall be chosen

by the joint vote of the two houses of the General Assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other state for five years. At the first election under this Constitution, the General Assembly shall elect the judges for terms of four, six, eight, ten, and twelve years respectively; and thereafter they shall be elected for terms of twelve years.

Sec. 92. The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

Sec. 93. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

Sec. 94. The State shall be divided into twenty-four judicial circuits, as follows:

The counties of Norfolk, Princess Anne, and the city of Portsmouth, shall constitute the first circuit.

The counties of Nansemond, Southampton, Isle of Wight, and the city of Norfolk, shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greenesville, and Brunswick, shall constitute the third circuit.

The counties of Chesterfield, Powhatan, Dinwiddie, Nottoway, and Amelia, and the city of Petersburg, shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Buckingham, Appomattox, and Charlotte, shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg, shall constitute the sixth circuit.

The counties of Pittsylvania, Franklin, Henry, and Patrick, and the city of Danville, shall constitute the seventh circuit.

The counties of Amherst, Nelson, Albemarle, Fluvanna, and Goochland, shall constitute the eighth circuit.

The counties of Rappahannock, Culpeper, Madison, Greene, Orange, and Louisa, shall constitute the ninth circuit.

The county of Henrico and the city of Richmond, shall constitute the tenth circuit.

The counties of Accomac, Northampton, Elizabeth City, and the city of Newport News, shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster, and Essex, shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William, and Middlesex, shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg, shall constitute the fourteenth circuit.

3 The counties of King George, Stafford, Spotsylvania, Caroline, and Hanover, shall constitute the fifteenth circuit.

The counties of Fauquier, Loudoun, Prince William, Fairfax, and Alexandria, and the city of Alexandria, shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren, Shenandoah, and Page, shall constitute the seventeenth circuit.

The counties of Rockingham, Augusta, and Rockbridge, shall constitute the eighteenth circuit.

The counties of Highland, Bath, Alleghany, Craig, and Botetourt, shall constitute the nineteenth circuit.

The counties of Bedford, Roanoke, Montgomery, and Floyd, and the city of Roanoke, shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe, and Grayson, shall constitute the twenty-first circuit.

The counties of Bland, Tazewell, Giles, and Buchanan, shall constitute the twenty-second circuit.

The counties of Washington, Russell, and Smyth, shall constitute the twenty-third circuit.

The counties of Scott, Lee, Wise, and Dickenson, shall constitute the twenty-fourth circuit.

Sec. 95. After the first day of January, nineteen hundred and six, as the public interest requires, the General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below forty thousand according to such census.

Sec. 96. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively; and thereafter they shall be elected for terms of eight years.

Sec. 97. The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish

its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

Sec. 98. For the purposes of a judicial system, the cities of the State shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court existing, at the time this Constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified electors of such city, at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law; and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions at law and suits in equity.

Sec. 99. For each city court of record a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the

entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.

Sec. 100. The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the State, or any part thereof.

Sec. 101. The General Assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law, in the matter of the admission of wills to probate, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Sec. 102. All the judges shall be commissioned by the Governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by this Constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

Sec. 103. The salaries of the judges of the Supreme Court of Appeals shall be not less than four thousand dollars per annum, and shall be paid by the State.

The salary of the judge of each circuit court shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the counties and cities composing the circuit, according to their respective population; except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would otherwise fall to the city of Richmond. The salary of a judge of a city court in a city of the first class shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the city. The whole of the aforesaid salaries of said judges shall be paid out of the state treasury, the State to be reimbursed by the respective counties and cities. Any city may, by an ordinance, increase the salaries of its city or circuit judges, or any one or more of them as it may deem proper, and the increase shall be paid wholly by the city, but shall not be enlarged or diminished during the term of office of the

judge. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

Sec. 104. Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

Sec. 105. No judge of the Supreme Court of Appeals, of the circuit court, or of any city court of record shall practice law, within or without this State, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class, may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

Sec. 106. Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

Sec. 107. An Attorney-General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

Sec. 108. The General Assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.

Sec. 109. The General Assembly shall provide by whom, and in what manner, applications for bail shall be heard and determined.

ARTICLE VII.

ORGANIZATION AND GOVERNMENT OF COUNTIES.

Sec. 110. There shall be elected by the qualified voters of each county, one county treasurer, who shall not be elected or serve for more than two consecutive terms, nor act as deputy of his immediate successor; one sheriff, one attorney for the Commonwealth, and one county clerk, who shall be the clerk of the circuit court. There shall be elected or appointed, for four years, as the General Assembly may provide, commis-

sioners of the revenue, for each county, the number, duties and compensation of whom shall be prescribed by law; but should such commissioners of the revenue be chosen by election by the people then they shall be ineligible for re-election to the office for the next succeeding term.

There shall be appointed, for each county, in such manner as may be provided by law, one superintendent of the poor, and one county surveyor.

Sec. 111. The magisterial districts shall, until changed by law, remain as now constituted: provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof, one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject to such appeal as may be provided by law, and perform such duties as may be required by law.

Sec. 112. All regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and all of said officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years, except that the county clerk shall hold office for eight years; provided that the term of the clerks first elected under this Constitution shall begin on the first of February, nineteen hundred and four, and end on the first of January, nineteen hundred and twelve.

Sec. 113. No person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

Sec. 114. Counties shall not be made responsible for the acts of the sheriffs.

Sec. 115. The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

ARTICLE VIII.

ORGANIZATION AND GOVERNMENT OF CITIES AND TOWNS.

Sec. 116. As used in this article the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated commu-

nities, having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

Sec. 117. General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in Article Four of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house. But each of the cities and towns of the State having at the time of the adoption of this Constitution a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly: provided, that every such charter is hereby amended so as to conform to all the provisions, restrictions, limitations and powers set forth in this article, or otherwise provided in this Constitution.

Sec. 118. In each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said court, who shall perform such other duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

Sec. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth, for such circuit court.

In every city there shall be elected, or appointed, for a term of four years, in a manner to be provided by law, one commissioner of revenue, whose duties and compensation shall be prescribed by law; but should he be elected by the people, he shall be ineligible for re-election to the office for the next succeeding term.

Sec. 120. In every city there shall be elected by the qualified voters

thereof one city treasurer, for a term of four years, but he shall not be eligible for more than two consecutive terms, nor act as deputy for his immediate successor; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and, a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities and towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of suspension or removal; but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard *de novo* by the judge thereof, whose decision shall be final. He shall have all other powers and duties which may be conferred and imposed upon him by general laws.

Sec. 121. There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but in cities of under ten thousand population the General Assembly may permit the council to consist of one branch. No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment. The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boun-

daries, of the wards thereof, and shall, in the year nineteen hundred and three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, re-apportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a *mandamus* shall lie on behalf of any citizen thereof to compel its performance.

Sec. 122. The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidently with that of the judges of said courts: provided, that the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

Sec. 123. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it, but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it. If after such consideration two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consist of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved

by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted), after it shall have been presented to him, it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in this section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes or authorizing the borrowing of money.

Sec. 124. No street railway, gas, water, steam, or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge, company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

Sec. 125. The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No franchise, lease or right of any kind to use any such public property or any other public property

or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payment by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restriction now required in relation thereto in any existing municipal charter.

Sec. 126. The General Assembly shall provide by general laws for the extension and the contraction, from time to time, of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

Sec. 127. No city or town shall issue any bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes: provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section: and provided further, that in determining the limitation of the power of a city or town to incur indebtedness there shall not be included the following classes of indebtedness:

(a.) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year; provided that such certificates, bonds or

other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year;

(b.) Bonds authorized by an ordinance enacted in accordance with section One Hundred and Twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive a revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

Sec. 128. In cities and towns the assessment of real estate and personal property for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of state taxation, whenever there shall be a state assessment of such property.

ARTICLE IX.

EDUCATION AND PUBLIC INSTRUCTION.

Sec. 129. The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

Sec. 130. The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney-General, Superintendent of Public Instruction, and three experienced educators to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary, so long as the State continue its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two

division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board.

Sec. 131. The Superintendent of Public Instruction, who shall be an experienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be *ex-officio* president; and his compensation shall be fixed by law.

Sec. 132. The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such divisions. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library, and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

Sec. 133. Each magisterial district shall constitute a separate school

district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law.

Sec. 134. The General Assembly shall set apart as a permanent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offences committed against the State, and such other sums as the General Assembly may appropriate.

Sec. 135. The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the state treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment: but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects state taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of state revenue to the support of the schools not less than that provided in this section.

Sec. 136. Each county, city, town if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require: provided, that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade. The boards of supervisors of the several counties, and the councils of the several cities, and towns if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

• Sec. 137. The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

Sec. 138. The General Assembly may, in its discretion, provide for the

compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district school trustees.

Sec. 139. Provision shall be made to supply children attending the public schools with necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

Sec. 140. White and colored children shall not be taught in the same school.

Sec. 141. No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof: provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns, and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

Sec. 142. Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years: provided, that at the first appointment, if the board be of an even number, one-half of them, or, if of an odd number, the least majority of them, shall be appointed for two years.

ARTICLE X.

AGRICULTURE AND IMMIGRATION.

Sec. 143. There shall be a Department of Agriculture and Immigration, which shall be permanently maintained at the capital of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be

ex-officio a member of the board: provided, that members of the board first appointed under this Constitution from the congressional districts bearing odd numbers shall hold office for two years.

Sec. 144. The powers and duties of the board shall be prescribed by law: provided, that it shall have power to elect and remove its officers, and establish elsewhere in the State subordinate branches of said department.

Sec. 145. There shall be a Commissioner of Agriculture and Immigration, whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and whose powers and duties shall be prescribed by the Board of Agriculture and Immigration until otherwise provided by law.

Sec. 146. The president of the Board of Agriculture and Immigration shall be *ex-officio* a member of the Board of Visitors of the Virginia Polytechnic Institute.

ARTICLE XI.

PUBLIC INSTITUTIONS AND PRISONS.

Sec. 147. There shall be a state penitentiary, with such branch prisons and prison farms as may be provided by law.

Sec. 148. There shall be appointed by the Governor, subject to confirmation by the Senate, a board of five directors which, subject to such regulations and requirements as may be prescribed by law, shall have the government and control of the penitentiary, branch prisons, and prison farms, and shall appoint the superintendents and surgeons thereof. The respective superintendents shall appoint, and may remove, all other officers and employees of the penitentiary, branch prisons, and prison farms, subject to the approval of the board of directors. The superintendents and surgeons shall be appointed for a term of four years, and be removable by the board of directors for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The terms of the directors first appointed shall be one, two, three, four, and five years, respectively; and thereafter, upon the expiration of the term of a director, his successor shall be appointed for a term of five years.

Sec. 149. For each state hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the Governor, subject to confirmation by the Senate; such board shall have the management of the hospital for which it is appointed, under the supervision and con-

trol of the general board of directors hereinafter constituted. The terms of the directors first appointed shall be two, four, and six years, respectively, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years.

Sec. 150. There shall be a general board of directors for the control and management of all the state hospitals for the insane now existing or hereafter established, which shall consist of all the directors appointed members of the several special boards. The general board of directors shall be subject to such regulations and requirements as the General Assembly may from time to time prescribe, and shall have full power and control over the special boards of directors and all of the officers and employees of the said hospitals.

Sec. 151. The general board of directors shall appoint for a term of four years a superintendent for each hospital, who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The special board of each hospital, shall, subject to the approval of the general board, appoint for a term of four years all other resident officers. The superintendent of each hospital shall appoint, and may remove, with the approval of the special board, all other employees of such hospital.

Sec. 152. There shall be a Commissioner of State Hospitals for the Insane, who shall be appointed by the Governor, subject to confirmation by the Senate, for a term of four years. He shall be *ex-officio* chairman of the general and of each of the special boards of directors, and shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall cause to be established and maintained at all of the hospitals a uniform system of keeping the records and the accounts of money received and disbursed and of making the reports thereof. He shall perform such other duties and shall execute such bond and receive such salary as may be prescribed by law.

ARTICLE XII.

CORPORATIONS.

Sec. 153. As used in this article, the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be con-

strued to mean the charter of incorporation by, or under, which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee or person in any way engaged in business as a common carrier over a route acquired in whole or in part under the right of eminent domain; the term "rate" shall be construed to mean "rate of charge for any service rendered or to be rendered"; the terms "rate," "charge" and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company owning, leasing, or operating for hire, any telegraph or telephone line; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences, of indebtedness issued by any corporation and secured by mortgage or trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the holder to any service from such company free of charge. The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Sec. 154. The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of charters, now existing and revocable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall

be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or mis-user. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

Sec. 155. A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session, and their regular terms of office shall be six years, respectively, except those first appointed under this Constitution, of whom, one shall be appointed to hold office until the first day of February, nineteen hundred and four, one, until the first day of February, nineteen hundred and six, and one, until the first day of February, nineteen hundred and eight. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term, subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no person so appointed, either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourned *sine die* without confirming the same, nor shall he be eligible for re-appointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court. The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof. The General Assembly may establish within the department, and subject to the supervision and control, of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department. All sessions of

the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and costs of executing processes issued, by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants and subordinates of the commission and provide for the payment thereof; but the salary of each commissioner shall not be less than four thousand dollars per annum. After the first day of January, nineteen hundred and eight, the General Assembly may provide for the election of the members of the commission by the qualified voters of the State; in which event, vacancies thereafter occurring shall be filled as hereinbefore provided, until the expiration of twenty days after the next general election, held not less than sixty days after the vacancy occurs, at which election the vacancy shall be filled for the residue of the unexpired term.

Sec. 156. (a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive, and preserve such reports, and annually tabulate and publish them in statistical form; it shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works, at the time this Constitution goes into effect, except so far as they are inconsistent with this Constitution, or may be hereafter abolished or changed by law.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and

transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation or requirement shall first be published in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation

published in the city of Richmond, Virginia, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws: provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such services may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be

prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed, or authorized, by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offence: provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in sub-section e of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classifications of traffic, schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other

action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney-General or his legally appointed representative. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeals as herein authorized), shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties: provided, however, that the writs of *mandamus* and prohibition shall lie from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of *supersedeas* may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, until a suspending bond shall first have been executed and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any *supersedeas*), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on,

or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission, or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the *habeas corpus*, and Commonwealth's, cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court, upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal: provided, however, that the action of the commission appealed from shall be regarded as *prima facie* just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should

have made at the time of entering the order appealed from; otherwise, the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal; but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore prescribed by the commission, within the scope of its authority, and then in force, be questioned: provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

(k) Upon the organization of the State Corporation Commission, the Board of Public Works and the office of Railroad Commissioner, shall cease to exist; and all books, papers and documents pertaining thereto, shall be transferred to, and become a part of the records of, the office of the State Corporation Commission.

(l) After the first day of January, nineteen hundred and five, in ad-

dition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may, by law, from time to time, amend sub-sections *a* to *i*, inclusive, of this section, or any of them, or any such amendment thereof: provided, that no amendment made under authority of this sub-section shall contravene the provisions of any part of this Constitution other than the sub-sections last above referred to or any such amendment thereof.

Sec. 157. Provision shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, of an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other, tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State, until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corporation if it be a domestic company, or, of its license to do business in this State if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by, this article; but the General Assembly may relieve from the payment of the said registration fee any purely charitable institution or institutions.

Sec. 158. Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its

charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

Sec. 159. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of corporations and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Sec. 160. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation, rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

Sec. 161. No transportation or transmission company doing business in this State shall grant to any member of the General Assembly, or to any state, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate

or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in the discharge of his official duties, nor prohibit the acceptance by any such policeman or fireman of such free transportation.

Sec. 162. The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a non-assignable duty: provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself, or from that of a person, employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train of which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction,

repair, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defence to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, of a non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee, or his legal or personal representative, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge, for the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

Sec. 163. No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State, when this Constitution goes into effect; but any such foreign public service corporation, so engaged, shall not, without first becoming incorporated under the laws of this State, be authorized to acquire, lease, use or operate, within this State, any public or municipal franchise or fran-

chises in addition to such as it may own, lease, use or operate when this Constitution goes into effect. The property, within this State, of foreign corporations shall always be subject to attachment, the same as that of non-resident individuals; and nothing in this section shall restrict the power of the General Assembly to discriminate against foreign corporations whenever, and in whatsoever respect, it may deem wise or expedient.

Sec. 164. The right of the Commonwealth, through such instrumentalities as it may select, to prescribe and define the public duties of all common carriers and public service corporations, to regulate and control them in the performance of their public duties, and to fix and limit their charges therefor, shall never be surrendered nor abridged.

Sec. 165. The General Assembly shall enact laws preventing all trusts, combinations and monopolies, inimical to the public welfare.

Sec. 166. The exclusive right to build or operate railroads parallel to its own, or any other, line of railroad, shall not be granted to any company; but every railroad company shall have the right, subject to such reasonable regulations as may be prescribed by law, to parallel, intersect, connect with or cross, with its roadway, any other railroad or railroads; but no railroad company shall build or operate any line of railroad not specified in its charter, or in some amendment thereof. All railroad companies, whose lines of railroad connect, shall receive and transport each other's passengers, freight, and loaded or empty cars, without delay or discrimination. Nothing in this section shall deprive the General Assembly of the right to prevent by statute, repealable at pleasure, any railroad from being built parallel to the present line of the Richmond, Fredericksburg and Potomac railroad.

Sec. 167. The General Assembly shall enact general laws regulating and controlling all issues of stock and bonds by corporations. Whenever stock or bonds are to be issued by a corporation, it shall, before issuing the same, file with the State Corporation Commission a statement (verified by the oath of the president or secretary of the corporation, and in such form as may be prescribed or permitted by the commission) setting forth fully and accurately the basis, or financial plan, upon which such stock or bonds are to be issued; and where such basis or plan includes services or property (other than money), received or to be received by the company, such statement shall accurately specify and describe, in the manner prescribed, or permitted, by the commission, the services and property, together with the valuation at which the same are received or to be received; and such corporation shall comply with any other requirements or restrictions which may be imposed by law. The

General Assembly shall provide adequate penalties for the violation of this section, or of any laws passed in pursuance thereof; and it shall be the duty of the commission to adjudge, and enforce (in the manner hereinbefore provided), against any corporation refusing or failing to comply with the provisions of this section, or of any laws passed in pursuance thereof, such fines and penalties as are authorized by this Constitution, or may be prescribed by law.

ARTICLE XIII.

TAXATION AND FINANCE.

Sec. 168. All property, except as hereinafter provided, shall be taxed; all taxes, whether state, local, or municipal, shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Sec. 169. Except as hereinafter provided, all assessments of real estate and tangible personal property shall be at their fair market value, to be ascertained as prescribed by law. The General Assembly may allow a lower rate of taxation to be imposed for a period of years by a city or town upon land added to its corporate limits, than is imposed on similar property within its limits at the time such land is added. Nothing in this Constitution shall prevent the General Assembly, after the first day of January, nineteen hundred and thirteen, from segregating for the purposes of taxation, the several kinds or classes of property, so as to specify and determine upon what subjects, state taxes, and upon what subjects, local taxes may be levied.

Sec. 170. The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the *ad valorem* system; and may impose state franchise taxes, and in imposing a franchise tax, may, in its discretion, make the same in lieu of taxes upon other property, in whole or in part, of a transportation, industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, of a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation, shall not be further taxed. No city or town shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for making and improving the walkways upon then existing streets, and improving

and paving then existing alleys, and for either the construction, or for the use of sewers; and the same when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Except in cities and towns, no such taxes or assessments, for local public improvements shall be imposed on abutting land owners.

Sec. 171. The General Assembly shall provide for a re-assessment of real estate, in the year nineteen hundred and five, and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide.

Sec. 172. The General Assembly shall provide for the special and separate assessment of all coal and other mineral land; but until such special assessment is made, such land shall be assessed under existing laws.

Sec. 173. The General Assembly shall levy a state capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said state capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine.

Sec. 174. After this Constitution shall be in force, no statute of limitation shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and collection of taxes for any preceding year or years, unless such property shall have passed to a *bona fide* purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

Sec. 175. The natural oyster beds, rocks, and shoals, in the waters of this State, shall not be leased, rented or sold, but shall be held in trust

for the benefit of the people of this State, subject to such regulations and restrictions as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

Sec. 176. The State Corporation Commission shall annually ascertain and assess, at the time hereinafter mentioned, and in the manner required of the Board of Public Works, by the law in force on January the first, nineteen hundred and two, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for state, county, city, town, and district purposes in the same manner as authorized by said law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons: provided, that no tax shall be laid upon the net income of such corporations.

Sec. 177. Each such railway or canal corporation, including also any such as is exempt from taxation as to its works, visible property, or profits, shall also pay an annual state franchise tax equal to one per centum upon the gross receipts hereinafter specified in section One Hundred and Seventy-eight, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section One Hundred and Seventy-six, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, and upon its property assessed under section One Hundred and Seventy-six: provided, that nothing herein contained shall exempt such corporation from the annual fee required by section One Hundred and Fifty-seven of this Constitution, or from assessments for street and other public local improvements authorized by section One Hundred and Seventy; and provided, further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

Sec. 178. The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of such corporations for the

year ending June the thirtieth of each year, to be ascertained by the State Corporation Commission, in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State: provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other states over similar facilities or advantages in this State.

Sec. 179. Each corporation mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven shall annually, on the first day of September, make to the State Corporation Commission the report which the law, in force January the first, nineteen hundred and two, required to be made annually to the Board of Public Works by every railroad and canal company in this State, not exempt from taxation by virtue of its charter, which report shall also show the property taxable in this State belonging to the corporation on the thirtieth day of June preceding, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by said law, assess the value of the property not exempt from taxation, of the corporation, and ascertain the amount of the franchise tax and other state taxes chargeable against it. All taxes for which the corporation is liable shall be paid on or before the first day of December following. The provisions of said law, except as changed by this article, shall apply to the ascertainment and collection of the franchise, as well as other taxes of such corporations. Said taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

Sec. 180. Any corporation aggrieved by the assessment and ascertainment made under sections One Hundred and Seventy-six and One Hundred and Seventy-eight may, within thirty days after receiving a certified copy thereof, apply for relief to the circuit court of the city of Richmond. Notice of the application, setting forth the grounds of com-

plaint, verified by affidavit, shall be served on the State Corporation Commission, and on the Attorney-General whose duty it shall be to represent the State. The court, if of opinion that the assessment or tax is excessive, shall reduce the same; but, if of opinion, that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallow the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforceable by *mandamus* or other proper process issuing from the court finally adjudicating the application. Subject to the provisions of Article Six of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

Sec. 181. After January the first, nineteen hundred and three, the system of taxation, as to the corporations mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven, shall be as set forth in sections One Hundred and Seventy-six to One Hundred and Eighty, inclusive; and for that year the franchise tax shall be based upon such gross receipts for the year ending the thirtieth day of June, nineteen hundred and three, and such system shall so remain until the first day of January, nineteen hundred and thirteen, and thereafter until modified or changed, as may be prescribed by law: provided, that, if the said system shall for any reason become inoperative, the General Assembly shall have power to adopt some other system.

Sec. 182. Until otherwise prescribed by law, the shares of stock issued by trust or security companies chartered by this State, and by incorporated banks, shall be taxed in the same manner in which the shares of stock issued by incorporated banks were taxed, by the law in force January the first, nineteen hundred and two; but from the total assessed value of the shares of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder.

Sec. 183. Except as otherwise provided in this Constitution, the following property and no other, shall be exempt from taxation, state and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held,

and property lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for county, city, town, or public school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two or hereafter exempted by law.

(b) Buildings with land they actually occupy, and the furniture and furnishings therein lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as such, and so exclusively used, and public burying-grounds and lots therein exclusively used for burial purposes, and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings with the land they actually occupy and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate: provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles, in the community in which such school is located; provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) *Real estate* belonging to, actually and exclusively occupied, and

used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as hereinbefore mentioned in this section.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit, on account of death, sickness, or accident to any of its members or any other person; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all of such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city, or town to tax for county, city or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city or town, and heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

Sec. 184. No debt shall be contracted by the State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war. No scrip, certificate, or other evidence of state indebtedness, shall be issued except for the transfer or redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

Sec. 185. Neither the credit of the State, nor of any county, city, or town, shall be, directly or indirectly, under any device or pretence what-

soever, granted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the stock or obligations of any company, association, or corporation, for the purpose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal improvement, except public roads, or engaged in carrying on any such work; nor assume any indebtedness of any county, city, or town, nor lend its credit to the same; but this section shall not prevent a county, city or town from perfecting a subscription to the capital stock of a railroad company authorized by existing charter conditioned upon the affirmative vote of the voters and freeholders of such county, city or town in favor of such subscription: provided, that such vote be had prior to July first, nineteen hundred and three.

Sec. 186. All taxes, licenses, and other revenue of the State, shall be collected by its proper officers and paid into the state treasury. No money shall be paid out of the state treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years after the end of the session of the General Assembly, at which the law is enacted authorizing the same; and no appropriation shall be made for the payment of any debt or obligation created in the name of the State during the war between the Confederate States and the United States. Nor shall any county, city, or town pay any debt or obligation created by such county, city, or town in aid of said war.

Sec. 187. The General Assembly shall provide and maintain a sinking fund in accordance with the provisions of section Ten of the act, approved February the twentieth, eighteen hundred and ninety-two, entitled "an act to provide for the settlement of the public debt of Virginia not funded under the provisions of an act entitled an act to ascertain and declare Virginia's equitable share of the debt created before, and actually existing at the time of the partition of her territory and resources, and to provide for the issuance of bonds covering the same, and the regular and prompt payment of the interest thereon, approved February the fourteenth, eighteen hundred and eighty-two." Every law hereafter enacted by the General Assembly, creating a debt or authorizing a loan, shall provide for the creation and maintenance of a sinking fund for the payment or redemption of the same.

Sec. 188. No other or greater amount of tax or revenue shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the State.

Sec. 189. On all lands and the improvements thereon, and on all tangible personal property, not exempt from taxation by the provisions of this article, the rate of state taxation shall be twenty cents on every hundred dollars of the assessed value thereof, the proceeds of which shall be applied to the expenses of the government and the indebtedness of the State, and a further tax of ten cents on every hundred dollars of the assessed value thereof, which shall be applied to the support of the public free schools of the State: provided, that after the first day of January, nineteen hundred and seven, the tax rate upon said real and personal property, for such purposes shall be prescribed by law. But the General Assembly during such period of four years, in addition to making annually an appropriation for pensions not to exceed the last appropriation made for such purpose prior to September the thirtieth, nineteen hundred and one, may levy annually, a special tax for pensions, on such real and personal property of not exceeding five cents on the hundred dollars of the assessed value thereof.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

HOMESTEAD AND OTHER EXEMPTIONS.

Sec. 190. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnishment, or sale under any execution, order, or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him: provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into, other property by the debtor, such last-named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article;

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six;

Fifth. For rent;

Sixth. For the legal or taxable fees of any public officer or officer of a court.

Sec. 191. The said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property, the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

Sec. 192. The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

Sec. 193. Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he was entitled under the former Constitution; provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections One Hundred and Ninety and One Hundred and Ninety-one. But no person who has selected and received the full exemption allowed by the former Constitution shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter One Hundred and Seventy-eight of the Code of Virginia, and the acts amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

Sec. 194. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws"; but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

HEIRS OF PROPERTY.

Sec. 195. The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife, and was cohabited with as such, shall be as capable of inheriting any estate whereof such father may have died seised, or possessed, or to which he was entitled, as though they had been born in lawful wedlock.

ARTICLE XV.

FUTURE CHANGES IN THE CONSTITUTION.

Sec. 196. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

Sec. 197. At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "shall there be a convention to revise the Constitution and amend the same?" shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

SCHEDULE.

That no inconvenience may arise from the adoption of this Constitution, and in order to provide for carrying it into complete operation, it is hereby ordained that:

Section 1. The common law and the statute laws in force at the time this Constitution goes into effect, so far as not repugnant thereto or repealed thereby, shall remain in force until they expire by their own limitation, or are altered or repealed by the General Assembly.

Sec. 2. All ordinances adopted by this Convention, and appended to the official original draft of the Constitution delivered to the Secretary of the Commonwealth, shall have the same force and effect, as if they were parts of this Constitution.

Sec. 3. Except as modified by this Constitution, all writs, actions and causes of action, prosecutions, rights of individuals, of bodies corporate or politic, and of the State, shall continue. All legal proceedings, civil and criminal, pending at the time this Constitution goes into effect, or instituted prior to the first day of February, nineteen hundred and four, in any county or circuit court as now existing, shall be prosecuted therein: provided, that all such matters, which are not finally terminated before the day last above mentioned, shall, on that date, by operation of this Constitution and Schedule, be transferred to the circuit court of the county or city created under this Constitution, and shall be proceeded with therein. All such matters pending in the city courts, preserved by this Constitution, when the same goes into effect, or thereafter instituted therein, shall continue in said courts, and be therein proceeded with, until otherwise provided by law. All matters before justices of the peace or police justices at the time this Constitution goes into effect, shall be proceeded with before them, until otherwise provided by law. All legal proceedings prosecuted after this Constitution goes into effect, whether in any of the courts now existing, or in those created by this Constitution, shall be proceeded with in the manner now or hereafter provided by law, except as otherwise required by this Constitution.

Sec. 4. All taxes, fines, penalties, forfeitures and escheats, accrued or accruing to the Commonwealth, or to any political subdivision

thereof, under the present Constitution, or under the laws now in force, shall, under this Constitution, enure to the use of the Commonwealth, or of such subdivision thereof.

Sec. 5. All recognizances, and other obligations, and all other instruments entered into or executed before the adoption of this Constitution, or before the complete organization of the departments thereunder, to the Commonwealth, or to any county, or political subdivision thereof, city, town, board, or other public corporation, or institution therein, or to any public officer, shall remain binding and valid, and rights and liabilities thereunder shall continue and may be enforced or prosecuted in the courts of this State as now or hereafter provided by law.

Sec. 6. From the day this Constitution goes into effect, the present judges of the Supreme Court of Appeals, or their successors then in office, shall be the judges of the Supreme Court of Appeals created by this Constitution, and continue in office, unless sooner removed, until February the first, nineteen hundred and seven. The jurisdiction of the court shall be as now or hereafter provided by law, subject to the provisions of this Constitution. All proceedings, then pending in the court as now organized, shall, by virtue of this Constitution, be transferred to and disposed of by the court created by this Constitution.

Sec. 7. The present judicial system of county and circuit courts of the Commonwealth is continued, and the terms of the several judges thereof, with the powers and duties now possessed by them respectively, are continued, until the first day of February, nineteen hundred and four, as if this Constitution had not been adopted; on which day the judicial system of circuit courts created by this Constitution shall go into operation. The terms of the judges of the city courts, as preserved by this Constitution, of the cities of Alexandria, Charlottesville, Danville, Fredericksburg, Lynchburg, Petersburg, Norfolk, Portsmouth, Richmond, Staunton, Manchester, Roanoke, Winchester, and Newport News, shall continue until the first day of February, nineteen hundred and seven; and the terms of the judges of the city courts, as preserved by this Constitution, of the cities of Bristol, Radford and Buena Vista, shall continue until the first day of February, nineteen hundred and four, unless the said courts shall be sooner abolished. The privilege now allowed by statute to judges of county courts and to judges of certain city courts to practice law, shall continue during the terms of the judges whose terms are continued by this Schedule, unless otherwise provided by law.

Sec. 8. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of Feb-

ruary, nineteen hundred and four; and thereupon, the several clerks of the county courts in those counties in which such clerks are now *ex-officio* clerks of the circuit courts of said counties shall be and become the county clerks of their respective counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, and, as such, the clerks of the circuit courts created therefor by this Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; provided that the first term of the clerks so elected be for six years. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Fauquier, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, county clerks for such counties. The terms of the clerks now in office, or their successors, of the several city courts preserved by this Constitution, shall continue until the first day of January, nineteen hundred and seven; and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; but if any of such city courts shall be sooner abolished as provided in this Constitution or by law, then the term of the clerk of any such court shall thereupon determine.

Sec. 9. The first election of the Governor and of all officers required by this Constitution, to be chosen by the qualified voters of the State at large, shall be held on the Tuesday after the first Monday in November, nineteen hundred and five, and their terms of office shall begin on the first day of February following their election. The present incumbents of said offices, or their successors, shall continue in office until the last-named day.

Sec. 10. The first election of members of the House of Delegates, and of all county and district officers, to be elected by the people under this Constitution, except as otherwise provided in this Schedule, shall be held on Tuesday after the first Monday in November, in the year nineteen hundred and three; and the terms of office of the several officers elected at that or any subsequent election shall begin on the first day of January, next after their election, except as otherwise provided in this Constitution or in this Schedule. And the terms of the office of the

sheriff, commonwealth's attorney, treasurer, commissioners of the revenue, superintendents of the poor, supervisors of the several counties, justices of the peace, and overseers of the poor, and of any incumbent of any other county or district office not abolished by this Constitution, nor herein specifically mentioned, now in office, or their successors, or whose terms of office shall begin on the first day of July, nineteen hundred and two, are continued until January the first, nineteen hundred and four.

The terms of the present members of the House of Delegates, and the terms of the senators now in office, or (in case of vacancies therein), their successors, representing the senatorial districts bearing even numbers, are extended until the second Wednesday in January, nineteen hundred and four; provided, that the term of the senator, now residing in the city of Richmond, who by the provisions of the apportionment act, approved April the second, nineteen hundred and two, is continued in office as one of the senators from the thirty-eighth senatorial district thereby created, be extended until the second Wednesday in January, nineteen hundred and six. The terms of the senators now in office, or (in case of vacancies therein), their successors, representing the senatorial districts bearing odd numbers are extended until the second Wednesday in January, nineteen hundred and six.

In the senatorial districts bearing even numbers, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and three, for a term of four years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; in the senatorial districts bearing odd numbers, and in the city of Richmond to fill the vacancy, which will, as above provided, occur on the second Wednesday in January, nineteen hundred and six, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and five, for a term of two years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; and on the Tuesday after the first Monday in November, nineteen hundred and seven, there shall be elected, for the term of four years, to begin on the second Wednesday in January succeeding their election, a senator from each senatorial district in the State.

Sec. 11. All other state, county, and district officers, and their successors, who may be in office at the time this Constitution goes into effect, except the Auditor of Public Accounts, the Second Auditor, the Register of the Land Office, the Superintendent of Public Printing, the Commissioner of Labor and Industrial Statistics, Railroad Commissioner, nota-

ries public, the Adjutant-General, the Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several state hospitals, and the school superintendents for counties and cities, and school trustees, shall, unless their respective offices be abolished, or unless otherwise provided by this Constitution or Schedule, hold their respective offices, and discharge the respective duties and exercise the respective powers thereof, until January the first, nineteen hundred and four. The terms of the present incumbents in the offices of Auditor of Public Accounts, Second Auditor, Register of the Land Office, Superintendent of Public Printing, and Commissioner of Labor and Industrial Statistics, shall continue until March the first, nineteen hundred and four. The term of the Railroad Commissioner shall end as soon as the State Corporation Commission shall be organized. Notaries public shall continue in office until their respective commissions shall expire. The term of the office of Adjutant-General shall expire March the first, nineteen hundred and six. The Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several state hospitals, shall continue in office until their successors shall be appointed by the respective boards empowered under this Constitution to make the several appointments. The school superintendents for counties and cities shall remain in office for their respective terms, and until their successors are appointed. School trustees now in office, or their successors, shall remain in office until otherwise provided by law. Electoral boards with the powers conferred by existing laws, except the appointment of registrars, shall remain in office until March the first, nineteen hundred and four.

Sec. 12. The terms of the State Board of Education, the State Corporation Commission, and the Board of Agriculture and Immigration, the directors of public institutions and prisons, and of each state hospital, and the Commissioner of State Hospitals, to be first elected, or appointed, under this Constitution, shall begin on March the first, nineteen hundred and three. The board of any of the above-named departments and institutions as now constituted shall continue until the boards created under this Constitution for such departments and institutions respectively are duly organized. And the terms of the members of the Board of Fisheries are continued until March the first, nineteen hundred and six. The terms of the trustees or visitors of the state educational institutions, and other honorary appointments made by the Governor, are continued until otherwise provided by law.

Sec. 13. Charters of incorporation may, until the first day of April,

nineteen hundred and three, be granted or amended by the courts of the State in accordance with the laws in force when this Constitution goes into effect, unless the General Assembly shall sooner provide for the creation of corporations as required by this Constitution.

Sec. 14. The terms of all officers elected by the qualified voters of a city, and of their successors, in office at the time this Constitution goes into effect, or whose terms of ~~office~~ begin on the first day of July, nineteen hundred and two, except ~~the~~ terms of mayors, of members of city councils and of the clerks of city courts, are continued until January the first, nineteen hundred and six; and their successors shall be elected on the Tuesday after the first Monday in November, nineteen hundred and five. The terms of all city officers, not so elected, shall expire as provided in the charters of the several cities, or as may be provided by law.

Sec. 15. Until otherwise provided by law, the mayors of the several cities shall continue in office until September the first, nineteen hundred and four, and their successors shall be elected the second Tuesday in June, nineteen hundred and four. Until otherwise provided by law, the members of the several city councils shall continue in office for the terms prescribed in the charters of their respective cities, except that where their terms are prescribed as ending on the first day of July of any year, they shall be extended until the first day of September following.

Sec. 16. Vacancies in any office, the term of which is confirmed or extended by this Schedule, occurring during such term or extension thereof, shall be filled in the manner prescribed by law.

Sec. 17. All officers, whose terms of office are extended by this Schedule, required by law or municipal ordinance to give bond for the faithful discharge of the duties of their respective offices, shall, prior to the expiration of the terms for which they were respectively chosen, before the court or other authority before whom such officer was required by law or municipal ordinance to give such bond, enter into a new bond, in the same penalty and with such security as was prescribed by law or municipal ordinance in respect to his former bond, and with like conditions as therein prescribed, for the faithful discharge of the duties of his office for the extended term herein provided for, and until his successor shall have been duly chosen, and shall have qualified according to law. Upon failure to give such bond within the time above prescribed, the office shall, upon the expiration of the term for which the incumbent thereof was chosen, become vacant.

Sec. 18. In all elections held after this Constitution goes into effect,

the qualifications of electors shall be those required by Article Two of this Constitution.

Sec. 19. The General Assembly which convened on the first Wednesday in December, nineteen hundred and one, shall be called by the Governor to meet in session at the Capitol at twelve o'clock M., on Tuesday, the fifteenth day of July, nineteen hundred and two. It shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution in reference to the General Assembly, except as to the limitation upon the period of its session, qualifications of members, and as to the time at which any of its acts shall take effect; but the ineligibility of the members thereof to be elected to any other office during their terms as members of the General Assembly shall be such as is imposed by this Constitution. The said General Assembly shall elect judges for all of the circuit courts provided for in this Constitution, and also of the corporation courts for Bristol, Radford, and Buena Vista, unless said city courts are sooner abolished.

Sec. 20. The said General Assembly shall enact such laws as may be deemed proper, including those necessary to put this Constitution into complete operation; to confirm those officers whose appointment is made by this Constitution subject to confirmation by the General Assembly or either house thereof; and to transact other proper business; and such session shall continue so long as may be necessary. The members shall receive for their services four dollars per day, for the time when the General Assembly is actually in session, including Sundays and recesses of not exceeding five days, and the mileage provided by law; the Speaker of the House of Delegates and President of the Senate shall each receive seven dollars per day for the same period and the mileage provided by law; and the other officers and employees shall receive such compensation for their services as the General Assembly may prescribe. Provision may be made for compensation at said rate of four dollars per day of members of legislative committees which may sit during any recess of said session.

Sec. 21. The compensation and duties of the Clerk of the House of Delegates and of the Clerk of the Senate shall continue as now fixed by law until the first of January, nineteen hundred and three, after which date their compensation shall be as prescribed by section Sixty-six of this Constitution.

Sec. 22. When the General Assembly convenes on the fifteenth day of July, nineteen hundred and two, its members and officers, before entering upon the discharge of their duties, shall severally take and

subscribe the oath or affirmation prescribed by section Thirty-four of the Constitution. And not later than the twentieth day of July, nineteen hundred and two, the Governor and all other executive officers of the State, whose offices are at the seat of government, and all judges of courts of record, shall severally take and subscribe such oath or affirmation; and upon the failure of any such officer, executive or judicial, to take such oath by the day named, his office shall thereby become vacant. Such oaths or affirmations shall be taken and subscribed before any person authorized by existing laws to administer an oath. The Secretary of the Commonwealth shall cause to be printed the necessary blanks for carrying into effect this provision, and the said oaths and affirmations so taken and subscribed, except of the members and officers of the General Assembly, shall be returned to and filed in his office; and those taken by the members and officers of the General Assembly shall be preserved in the records of the respective houses.

Sec. 23. The official copy of the Constitution and Schedule, and of any ordinance adopted by the Convention, shall, as soon as they shall be enrolled, be signed by the President and attested by the Secretary of the Convention, and the President will thereupon cause the same to be delivered to the Secretary of the Commonwealth, who will file and preserve the same securely, among the archives of the State in his custody.

The Secretary of the Commonwealth will cause the Constitution, Schedule, and said ordinances to be transcribed in a book to be provided for the purpose and safely kept in his office.

The Secretary of the Convention will immediately upon the adoption of this Schedule, deliver a certified copy of the Constitution and Schedule, and of said ordinances, to the Governor of the Commonwealth.

Sec. 24. The Governor is authorized and directed to immediately issue his proclamation announcing that this revised and amended Constitution has been ordained by the people of Virginia, assembled in Convention, through their representatives, as the Constitution for the government of the people of the State, and will go into effect as such, subject to the provisions of the Schedule annexed thereto, on the tenth day of July, nineteen hundred and two, at noon, and calling upon all the people of Virginia to render their true and loyal support to the same, as the organic law of the Commonwealth.

Sec. 25. This Constitution shall, except as is otherwise provided in the Schedule, go into effect on the tenth day of July, nineteen hundred and two, at noon.

This Schedule shall take effect from its passage.

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